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Chair

The Honourable John McKay

Standing Committee on Public Safety and National Security

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● (1530)

[*English*]

The Chair (Hon. John McKay (Scarborough [illegible]dwood, Lib.)): I don't think I'd receive any objection from the committee if I started it just a little bit early. Everybody's here, keen, ready to go. Mr. Motz tells me that he's all excited for a good, long session.

A voice: And tomorrow.

The Chair: Yes, and tomorrow and the next day. Apparently he's very enthusiastic, but he has to take a day off for Sunday to confess his sins.

(On clause 3)

The Chair: CPC-12 is where we left off. This is an amendment in the name of Mr. Motz.

Mr. Glen Motz (Medicine Hat—Cardston—Warner, CPC): Thank you, Chair.

CPC-12 is an amendment to remove all the references to a specific date, and amend it to be prescribed in regulations once the bill receives royal assent.

You'll see the motion is that, in clause 3, Bill C-71 be amended, (a) by replacing line 26 on page 2 with the following:

> firearms on the prescribed date

Then (b), by replacing line 1 on page 3 with the following:

> (i) the prescribed date, in the case where at least one of

Then (c), by replacing lines 17 to 18 on page 3 with the following:

> (b) was registered as a restricted firearm on the prescribed date or, in the case of a firearm that was not a restrict-

Then (d), by replacing line 30 on page 3 with the following:

> firearms on the prescribed date

Then (e), by replacing line 8 on page 4 with the following:

> (i) the prescribed date, in the case where at least one of

Then (f), by replacing lines 1 and 2 on page 5 with the following:

> (b) was registered as a restricted firearm on the prescribed date or, in the case of a firearm that was not a restrict-

Now, members of this committee, the House of Commons, and the Senate all deserve the appropriate time to consider this and many of the other bills, as we know, to ensure that they meet the standard and meet the test of good governance, and are honest with Canadians. There are many who don't believe that this legislation is honest, or fair, or in any way deals with the issues that Canadians want—gangs and guns—or the issues Liberals claim it does. It seems only reasonable that artificial deadlines that the government is already trying to impose be replaced with a date after which it passes.

What's interesting is that on this particular issue of prescribing regulations once the bill receives royal assent, on our prescribed date, I rose last week on a question of privilege in the House about online publications that the RCMP, respecting Bill C-71....

The RCMP, on its website, presumed the adoption of this bill already. As a result of that, which is what led us to think this language was necessary, there is no caveat on the RCMP website, describing Bill C-71, that this legislation is subject to parliamentary approval. There is no acknowledgement of the parliamentary process at all. In fact, in my view, as I explained to the Speaker that day, it was contempt of Parliament.

Let me read a sampling of the content found in special business bulletin no. 93, that the RCMP had on its site. "Because...all CZ firearms will be impacted by changes in their classification, businesses will need to determine if their firearm(s) will be affected by these changes. Bill C-71 also lists a number of specific Swiss Arms (SA) firearms that will also become prohibited. If you own CZ/SA firearms, the steps below can help you identify whether your inventory of firearms is affected by Bill C-71. They explain the grandfathering requirements and how to avoid being in illegal possession of a firearm."

That language is actually quite clear. Now, it has, "will be impacted", "will become prohibited", and "is affected", not could be, may be, or might be. Later in the bulletin we read that:

> Business owners will continue to be authorized to transfer any and all impacted CZ or SA firearms in their inventory to properly licenced individuals, until the relevant provisions of Bill C-71 come into force. For an individual owner to be eligible for grandfathering certain requirements must be met by June 30, 2018.

Now, you might think about the language about this bill coming into force, possibly conceding the need for parliamentary approval, so let me continue reading what the quote says.

From the same bulletin, "The proposed changes to classification status for CZ/SA firearms listed in Bill C-71 will come into force on a date to be determined by Governor in Council. This date is yet to be determined."

I would contend that any conditional language one might read or infer in the RCMP's special bulletin document is left to the mind of the reader and, therefore, is a matter of cabinet discretion, not Parliament's discretion.

Turning to a second document where the issue of this amendment comes up, entitled "How would Bill C-71 affect individuals?", we see additional presumptuous language. A lot of it mirrors what I quoted from special business bulletin number 93. Other passages, however, include, "If your SA firearm was listed in Bill C-71, it will be classified as a prohibited firearm."

The language used, "was", seems as if Bill C-71 is a document from the past, not a bill currently before a parliamentary committee.

Later in that same document, it says, "To qualify for grandfathering of your currently non-restricted or restricted CZ/SA firearm*, the following criteria must be met:"

Now there follows a list of details for firearms owners to meet, which just coincidentally happens to be laid out in clause 3.

● (1535)

The Chair: Mr. Dubé has a point of order.

Mr. Matthew Dubé (Beloeil—Chambly, NDP): I don't know if I can refer to my own absence or not in the House. I was in and out the day the member was making his question of privilege. I'm just wondering: I'm not sure procedurally whether we can read the same speech more than once into the record. I don't know if committees fall under the same thing, if the same point of order is being made again.

The Chair: Is the same point of order being made again, Mr. Motz?

Mr. Glen Motz: I'm not making a point of order. I am using this to support the amendment that I have—

The Chair: Was there a ruling on your point of order?

Mr. Glen Motz: No.

The Chair: Then there is no point of order.

Go ahead.

Mr. Glen Motz: So there follow the details for firearms owners to meet, which just coincidentally happen to be laid out in clause 3 of Bill C-71, yet there is no indication in that document that these are proposals before government, before Parliament, let alone in need of parliamentary sanction to be enforced.

Now in RCMP documents, we're talking about a publication that gives advice on how to avoid becoming a criminal. One of the passages I referred to earlier said, "They explain the grandfathering requirements and how to avoid...being in illegal possession of a firearm."

Another passage was, "If your SA firearm was listed in Bill C-71, it will be classified as a prohibited weapon." The unlawful possession of a firearm can lead to a jail sentence of up to five years.

Now we've been very clear on this side and on the record about our concerns with the RCMP having arbitrary reclassifying authority for firearms, and that's why the previous government gave the Governor in Council an oversight role. Now, suddenly, with one blanket move, what dozens or even hundreds of thousands of people already possess is somehow deemed illegal, and the bill hasn't passed. We've seen this disrespect before, and this is an institutional history, unfortunately.

In the research we've done, we've found at least 10 previous occasions where this has occurred. So it goes without saying that it comes as absolutely no surprise that our national police force, unfortunately, would snub its nose at Parliament, or—and this I highly doubt—that the new commissioner would order this on her own without some approval from the Minister of Public Safety, rather than urging compliance with the rules of Parliament.

Now what's interesting is that I rose on this on a Tuesday. On Wednesday morning, that same website that the RCMP manages was changed, and it was changed back to the language that now would verify what we have been saying. I stood again on the Wednesday and said that it had been modified on the Wednesday, May 30, and the posting now has a disclaimer that Bill C-71 was a proposed law. In fact, when you print out that particular document from the website, it actually has a date stamp saying it was changed on May 30.

Again, this speaks to the whole idea that the RCMP has caused confusion with this bill by having an arbitrary date of June 30, and advising Canadians that this will come into effect then, when it hasn't even gone through this committee yet. As well, the conversations we had on Tuesday about an arbitrary date will add confusion.

I am recommending that this amendment falls in line with other bills where it fits with a reasonable time and there's no artificial deadline. It's when this bill comes into play at a prescribed date, whenever it is passed and receives royal assent.

The Chair: Ms. Dabrusin.

Ms. Julie Dabrusin (Toronto—Danforth, Lib.): Mr. Chair, I can't support this amendment. Really, having a fixed date creates certainty in the market. It means businesses and individuals can plan. They have a time and date, as opposed to waiting for a random date in the future.

Also, because it would ultimately potentially have the effect of delaying the start date, having a date in the future could actually result in a greater increase in the number of CZ and Swiss Arms firearms in circulation, so overall this makes no sense.

As far as trying to allow people to plan, have transparency, and know how to govern themselves accordingly, it makes sense to have a fixed date, as we do in the legislation.

● (1540)

The Chair: Thank you. Is there any further debate?

Monsieur Paul-Hus.

[*Translation*]

Mr. Pierre Paul-Hus (Charlesbourg—Haute-Saint-Charles, CPC): Thank you, Mr. Chair.

I still don't understand the logic behind the fixed date. As my colleague very clearly explained, the bill will receive royal assent in early fall.

Here's an example. If I obtain a licence to possess and acquire a restricted firearm on July 5, when the act will not yet have come into force, and if I decide to buy a CZ 858 rifle, what will happen subsequently if the date fixed under the act is June 30? Will I be breaking the law?

I ask the representatives to explain to me what will happen if I buy a CZ 858 rifle on July 5.

[*English*]

The Chair: Are you directing that to Mr. O'Reilly?

[*Translation*]

Mr. Pierre Paul-Hus: In fact, I'm addressing it to the person who can answer my question.

[*English*]

Mr. Rob O'Reilly (Director, Firearms Regulatory Services, Canadian Firearms Program, Royal Canadian Mounted Police): If I understand your question, currently if you were to buy a CZ 858, that firearm would be deemed to be either non-restricted or restricted, depending on barrel length. If the firearm is non-restricted, you could acquire it without any issue. If it's restricted, you would have to register it as restricted.

[*Translation*]

Mr. Pierre Paul-Hus: That doesn't answer my question.

Let's say that, July 5, a hypothetical date—

[*English*]

Mr. Rob O'Reilly: Oh, in July, sorry.

Mr. Pierre Paul-Hus: Yes, because the law is not in force, if I buy a CZ 858 on July 5, then what happens afterwards, when the law is in force? June 30 is in the law. I just want to understand.

Mr. Rob O'Reilly: If you were to acquire one of the CZ 858s that would be deemed prohibited—because not all will—should this legislation pass as written, on July 5 nothing would happen. However, once the law passes and comes into force, and there is a requirement for you to attempt to register that firearm, in declaring to the registrar of firearms that you acquired it post June 30, you would be deemed to be ineligible to hold that firearm. The firearm would be prohibited, and you would not be able to register it.

[*Translation*]

Mr. Pierre Paul-Hus: That's the problem.

[*English*]

This is the problem with the date. The law is not in force before September or October.

The Chair: I understand your argument, and I think colleagues on both sides understand the argument.

[*Translation*]

Mr. Pierre Paul-Hus: I think this is the perfect example of a problem that citizens will have to face. We know what's happening here, but citizens don't. For them, the act doesn't exist until it comes into force.

The explanation I'm being given is that, as a citizen, I could have problems since I would have purchased a firearm and then would have broken the law. If I buy my firearm on July 5, is that legal? Why fix such a date?

[*English*]

The Chair: I wonder whether you might direct the question to Ms. Clarke on the retrospective application of legislation.

Ms. Paula Clarke (Counsel, Criminal Law Policy Section, Department of Justice): As Rob has explained, I believe the only thing the June 30 date does is state when a person would no longer be eligible to keep their firearm. They would not be eligible for grandfathering after July 1. Nothing affects the current classification of the firearm or the anticipated or proposed classification of the firearms that are in the act. The only thing the June 30 date does is trigger eligibility for grandfathering. It does not affect the classification of the firearm. The June 30 date does not relate to classification.

[*Translation*]

Mr. Pierre Paul-Hus: I understand that, but let me go back to my example of July 5.

If I bought a restricted firearm on July 5, could I be eligible under the grandfathering clause, or would I not be eligible because, when the act comes into force, it will include a retroactive date that will render illegal all firearms sales transacted in the two or three summer months? What will we do?

In my example, I've just bought a firearm that was still restricted at the time of purchase because the act was not yet in force. What will I have to do with my firearm? I won't be entitled to keep it because the grandfathering clause won't apply?

● (1545)

[*English*]

Ms. Paula Clarke: That's correct.

[*Translation*]

Mr. Pierre Paul-Hus: Mr. Chair, that supports my argument that this will not work because many people will conduct transactions. If we maintain the June 30 date, we'll wind up with a lot of problems.

[*English*]

Ms. Paula Clarke: Rob would like to make a clarification.

Mr. Rob O'Reilly: I have just one clarification to Paula's point. If you had already acquired another CZ 858 prior to June 30, then you would be eligible to own that second firearm, owned post-June 30, because you would qualify as a grandfathered firearms owner.

The Chair: For my own curiosity, is the retrospective application of legislation without precedent in the making of legislation, or is this a practice that from time to time is exercised in the drafting of legislation?

Mr. Randall Koops (Director General, Policing and Firearms Policy, Department of Public Safety and Emergency Preparedness): It is a fairly common practice, particularly in relation to the Firearms Act. The firearms grandfathering provisions are all related to a point in time that the person possessed that firearm.

It also occurs in other types of legislation, most notably in tax legislation. The eligible day on which a person must own or not own certain shares or other types of investments is a day that is listed in the legislation, for the sake of transparency and to ensure that there are equal public signals sent to everyone who is engaged in that marketplace. That day is presented as a date that is not linked to coming into force, and does not presuppose coming into force or royal assent by that day. In fact, in the case of tax legislation it is often budget day, the day on which the government makes its intent clear.

The analogy in Bill C-71 is that the government has made a very clear intent about what would be the commencement day or the eligibility day, irrespective of when or if the bill receives royal assent and is brought into force.

The Chair: Thank you.

Mr. Calkins.

Mr. Blaine Calkins (Red Deer—Lacombe, CPC): With the greatest of respect, changing the dates of the implementation of a tax code simply changes calculations based on taxes. It doesn't put somebody in a position where they're doing something lawfully, and then doing something unlawfully. That is the circumstance we would find ourselves in, and the scenario proposed by Mr. Paul-Hus, if Parliament were to pass the current piece of legislation. I think that might be a precedent that Parliament hasn't had too many dealings with.

I understand that, and I think the chair was right to ask the question. I appreciate that. I understand what Parliament can and can't do. Yes, it's completely able to pass laws with coming into force dates that are retroactive. These things do happen from time to time.

I want to see greater clarification, though. If a person is in possession of at least one of the firearms that's being designated in this legislation that's slated for grandfathering, in addition to any transaction that happens after June 30, that would mean that the firearm itself is not being grandfathered, but the actual individual is being grandfathered. Do I have that right?

Mr. Rob O'Reilly: It's both. The firearm would be grandfathered, and the individual would be grandfathered as well.

Mr. Blaine Calkins: If somebody was in a situation where they did not have a firearm that was in respect of this piece of legislation that was grandfathered, and bought a firearm that was to be grandfathered prior to June 30, but bought it post- June 30, they would not be grandfathered. Is that correct?

Mr. Rob O'Reilly: I apologize, sir. I didn't quite—

Mr. Blaine Calkins: You know, I'm having a hard time myself, Mr. O'Reilly.

This begs the question. It is also not uncommon, Mr. Chair, as you would know, to have laws that actually come into force on the date that they're signed into royal assent. I think that's the reasonable thing that we're asking. It's simply having a coming into force date for clarification for firearms owners, on the date that the legislation actually comes into force.

Given the current uncertainty in the Senate, and some of the other issues surrounding other pieces of legislation that people thought might not be controversial, and the controversial nature of this piece of legislation, I think this is a reasonable request. I'll just leave it at that.

● (1550)

The Chair: As the only legitimate grandfather at this table, I recommend it.

Mr. Paul-Hus.

[*Translation*]

Mr. Pierre Paul-Hus: I maintain—and my goal here is really to be efficient—that preserving the June 30 date in this way will clearly cause a series of problems. As I mentioned in my example, several thousands of people, hundreds of people, may conduct transactions and subsequently find themselves in a grey area, without knowing whether they have committed an offence and without knowing whether they are subject to a grandfathering clause. This seems to be vague based on the answers we're getting.

I think the government party should review its position on this point. Instead of June 30, it could be 30 days after royal assent in order to give the industry time to adjust, but it should not be retroactive because that will create a grey area between the two. It won't work.

[*English*]

The Chair: Mr. Calkins.

Mr. Blaine Calkins: Thank you, Mr. Chair.

If you were a retailer and you were in possession of the CZ or the Swiss Arms firearm would any transaction, post-June 30, on any of these firearms be illegal, even if the law hasn't come into force?

Mr. Rob O'Reilly: No, they would not be illegal, however, the firearms themselves may not be eligible for grandfathering if Bill C-71 were to pass.

Mr. Blaine Calkins: Ms. Clarke.

Ms. Paula Clarke: The Four Seasons firearms that are the subject of the current amnesty order that are prohibited could not be bought and sold. The firearms that are non-restricted or restricted can be bought and sold currently, and they could be bought and sold after June 30.

Mr. Blaine Calkins: I would hope that any non-restricted firearm could still be bought and sold after June 30.

Ms. Paula Clarke: Yes, but I'm just trying to answer your question.

Mr. Blaine Calkins: I'm talking about the firearms that are specifically cited for grandfathering, because no non-restricted firearms would have a grandfathering clause pertaining to them, would they?

Ms. Paula Clarke: Some of the firearms that are listed for grandfathering are currently non-restricted, some are restricted, and some are prohibited. The government's intent is to grandfather all the firearms that would become prohibited, once the deeming provision comes into force. Some firearms are currently prohibited—

Mr. Blaine Calkins: Yes. There's prohib going prohib, restricted going prohib, and non-restricted going prohib.

Ms. Paula Clarke: Yes. There are firearms in all three categories. But should the bill come into force, all these firearms will then be prohibited.

Mr. Blaine Calkins: Given the fact that there is a massive change in the legislation on classification, notwithstanding the fact that this is about grandfathering, do retailers have the protection of this legislation if they sell a firearm in good faith? This is where we're getting back to you; who is going to ultimately be responsible: the purchaser or the seller? Should a transaction not be compliant with the law after the coming into force date, which is somewhere further down the road from the June 30 deadline that's indicated in the legislation, is there a scenario in there where a seller or a retailer could be charged with any offences under this legislation?

Mr. Rob O'Reilly: I can't answer that.

Ms. Paula Clarke: The June 30 date is not going to change anything with respect to the criminal law and these firearms. Should a firearms business sell some firearms that are currently prohibited, then they would be in violation of the law. Should a firearms business sell firearms that are currently non-restricted or restricted, they would still be in compliance with the law and therefore not subject to criminal liability simply for transferring or selling the CZ and the Four Seasons firearms.

The June 30 date has nothing to do with the legal classification of the firearms so it has no impact on criminal liability. It's simply a date that would allow a person to be eligible for grandfathering.

● (1555)

Mr. Blaine Calkins: Thank you.

Ms. Paula Clarke: Should the bill not come into force, it's a meaningless date.

The Chair: Mr. Motz.

Mr. Glen Motz: I have a minor point of order, Mr. Chair.

You had indicated on the record that you were the only grandfather around the table. I want to correct that to say that I'm times six, thank you very much.

The Chair: Well then, I defer to your seniority because I've only got three. I have an unproductive bunch of kids.

Not wishing to debate further grandfather issues, may I call the question?

(Amendment negatived)

The Chair: We're now on to CPC-13.

Monsieur Paul-Hus.

[*Translation*]

Mr. Pierre Paul-Hus: Thank you, Mr. Chair.

We're asking that the list of firearms identified in Bill C-71 be deleted because it completely contradicts the government's objective. Bill C-71, a government bill, identifies firearms, four Czech firearms and 16 Swiss firearms. That's a political decision. At the same time, it's requested that the RCMP be responsible for doing this work in the future. There is already a contradiction here.

We have no idea why these firearms would become prohibited. I understand the example of the CZ 858 model. It's virtually identical to the WR 762 model, a firearm that will remain restricted. These are therefore arbitrary choices, and we would like to know why these firearms are included in Bill C-71 in a political manner before the RCMP is subsequently permitted to make the decisions.

Mr. Chair, I don't know who can answer my question.

[*English*]

The Chair: Is there any debate?

[*Translation*]

Mr. Pierre Paul-Hus: We would like to know why the list of Czech and Swiss firearms has been identified. What is the reason for each of the firearms, and why is the WR 762 not included, whereas the others are? Where does that come from? I think that's quite a relevant question.

[*English*]

Mr. Rob O'Reilly: I cannot speak to the political intent behind why these were included, which was your question. However, the reason these specific firearms are at issue is that prior to Bill C-71, they were determined to be prohibited firearms. As to why these firearms and not the firearm that you mentioned, sir, I think the answer was partly in your own remark, in the sense that you said it's almost identical. It isn't identical. Therefore, it would be classified differently from the W model that you had so indicated.

As to why there was a decision to bring this forward as part of Bill C-71, unfortunately I can't answer that.

[*Translation*]

Mr. Pierre Paul-Hus: Can someone answer us? Where does this choice come from? Why were these firearms specifically selected, and based on what evaluation? This is very precise, and no one is giving us an answer. I would like to know who, somewhere in an office, decided that these firearms would be prohibited.

[*English*]

Mr. Rob O'Reilly: Sir, maybe I can provide an answer to the questions you're looking at.

These firearms were imported into Canada, the CZ was first imported in 2005, the Swiss Arms was first imported in 2001. The firearms when imported were believed to be non-restricted and the determination of classification was made as such. Information came to light that identified them as being something other than what they were purported to be, namely that the CZ was a variant of the Czech VZ-58, which is a prohibited firearm, and that the Swiss Arms Classic Green, which was purported to be a variant of the SG-540, which is a non-restricted firearm, was in fact a variant of the Swiss SG-550, which is a prohibited firearm.

Consequently these firearms were determined to be correctly prohibited firearms. The previous legislation, Bill C-42 , deemed them to be non-restricted and restricted based on barrel length, but that did not change the determination made by the Canadian firearms program in terms of their classification in accordance with the Criminal Code.

● (1600)

[*Translation*]

Mr. Pierre Paul-Hus: When you say a determination was made, to whom are you referring?

[*English*]

Mr. Rob O'Reilly: If a firearm is being brought into the country, a determination of classification is made by the Canadian firearms program based on Criminal Code definitions.

This allows the registrar of firearms to register that firearm when somebody chooses to import that firearm. It is the Canadian firearms program that makes the determination of classification. It only, however, becomes applicable when that firearm actually is imported into Canada the first time and somebody attempts to register it.

In the case of the Swiss Arms and the CZs that were at question, when these firearms were first imported into Canada, based on the information that was available to us in order to make the determination, they were determined to be in accordance with the Criminal Code non-restricted firearms. Subsequent information corrected that identification and correctly identified them as a variance of prohibited firearms and therefore prohibited by definition.

[*Translation*]

Mr. Pierre Paul-Hus: I see.

Now, however, under Bill C-71, the RCMP will do the work of identifying and prohibiting firearms, since the government wants to leave that to it.

Wouldn't it be appropriate to delete the identified firearms from Bill C-71 and allow the RCMP to identify them where it seems appropriate?

[*English*]

Mr. Rob O'Reilly: Well—

[*Translation*]

Mr. Pierre Paul-Hus: I thought the government wanted to let the RCMP do that work.

[*English*]

Mr. Rob O'Reilly: Bill C-71 does not change the role of the Canadian firearms program as it relates to determinations of classification. In fact, nothing is being given back to the RCMP. The Canadian firearms program, which is part of the RCMP, but not a law enforcement entity, has always had the ability to make determinations of classification, and will continue to do so. Bill C-71 does not change that.

Mr. Randall Koops: The change, if I may, is that the Governor in Council would no longer have the ability to downgrade the classification of a firearm. That's the change being made in Bill C-71.

An hon. member: [*Inaudible—Editor*]

Mr. Randall Koops: They could through the Criminal Code regulations. So the Governor in Council could no longer downgrade the classification of a firearm. The power to downgrade was exercised twice in 2015 in relation to these firearms. The government is seeking, through Bill C-71, to give up or rescind that power, asking Parliament to take that power away from the Governor in Council. In the two instances where it was used, you question why the grandfathering would come in. The grandfathering comes in in those cases to allow the continued ownership by people who have bought those firearms in good faith under the existing rules of the day.

The Chair: Mr. Calkins.

Mr. Blaine Calkins: I'm not sure who's going to be best positioned to answer this question, Mr. Koops, Mr. O'Reilly, or maybe Ms. Clarke. If this amendment passes in the context of the rest of Bill C-71 passing, would the firearms that are listed in the legislation become the same classification as they're highlighted in this legislation right now?

Mr. Randall Koops: I'm sorry, I don't follow.

Mr. Blaine Calkins: What I'm suggesting to you is the minister has come before this committee and said that parliamentarians and the Governor in Council ought not to be the ones making the decision on the classification of firearms. Yet in this legislation, this is a political decision.

Mr. O'Reilly has distanced himself from suggesting that it was the department that brought forward this proposal of a change in Bill C-71, which means that this is a political decision to include this list of firearms, which happens to be the same list that was changed in the 2015 classification that was granted an amnesty with the provisions of Bill C-42 in 2015.

Am I right or am I wrong?

● (1605)

Mr. Randall Koops: Correct.

Mr. Blaine Calkins: My question for you is this. If this amendment passes, notwithstanding that the rest of Bill C-71 passes in its current form, how would it change the classification of these firearms?

Mr. Randall Koops: These firearms would revert to the classification that is defined for them in the Criminal Code on the basis of their physical attributes, rather than on a deemed classification that has been put in place by the Governor in Council.

Mr. Blaine Calkins: I understand that, but the Governor in Council part, notwithstanding that, becomes null and void if this legislation passes. Therefore the RCMP becomes the sole arbiter, again, of the classification scheme and these firearms would end up in the same classification under that scheme as they would right now in the current legislation. Is that correct?

Mr. Randall Koops: No, they will revert to the classification that's defined for them by the Criminal Code in relation to their physical attributes. As the minister has pointed out, it remains within the domain of Parliament to define what those classifications are.

Mr. Blaine Calkins: Are you suggesting that the legislative reclassification of these firearms that's in Bill C-71 right now is different from what the RCMP is recommending?

Mr. Rob O'Reilly: I don't believe the legislation is suggesting a reclassification. The legislation is suggesting or is putting forward the notion of removal of deeming of a firearm and that the initial determination prior to 2015 remain.

Mr. Blaine Calkins: Prior to Bill C-42, the RCMP reclassified a firearm. That was fine. That was the legislation at the time; I'm not arguing that.

My argument right now is if the provisions that are being talked about in this particular amendment were taken out of the legislation, would the classification of the firearms that are listed in law right now revert to or be changed to or would the Canadian firearms centre have the ability to make exactly the same classification? A yes-or-no response.

Mr. Rob O'Reilly: I think I understand the question you're asking. Should Bill C-71 not advance, the deeming status of these firearms would remain; and these firearms would remain deemed as non-restricted or restricted depending on barrel length. They could not arbitrarily be reclassified as something else, because they are deemed to be non-restricted or restricted.

Mr. Blaine Calkins: The classification that's put in this legislation then is inconsistent with the original assessment or recommendation from the RCMP in 2015?

Mr. Rob O'Reilly: I'm not exactly sure. I don't think a classification is being put forward in this legislation. My understanding is the legislation is simply removing the deeming of these firearms as being something other than prohibited

Mr. Blaine Calkins: These firearms are listed in legislation.

Mr. Rob O'Reilly: Yes, they are.

Mr. Blaine Calkins: They're no longer going to be on a referencing order. It's going to be incorporated in the body of the Firearms Act. It's no longer going to be black and white, and the RCMP will have no ability in their current classification structures, whether you're using the firearms table or whatever the case may be, to address these firearms or any reclassification of these firearms in the future. Is that correct? Because it's in the statute now. It's not going to be part of their—

Mr. Randall Koops: Mr. Chair, I think what's being provided for in the statute is the grandfathering status of those firearms. The statute also then provides that the deeming provision under which they were deemed to have been something other than what the Criminal Code would have provided for is being repealed. That does not touch their individual classification. They revert to the original classification. They are listed here in this section in relation to creating the ability for the firearm and the owner to be grandfathered if Bill C-71 comes into force.

Mr. Blaine Calkins: Thank you.

The Chair: Mr. Motz.

Mr. Glen Motz: Given we're talking about CZ and the SA firearms, would the manufacturers of these firearms be treated differently from other manufacturers, possibly because of how these firearms have been singled out? Does that open this up to a trade challenge?

Mr. Rob O'Reilly: I can't speak to the question of a trade challenge. I can tell you that the firearms by these particular manufacturers would not be treated differently. It would not prejudice the classification determinations for any other firearms manufactured by either of these companies.

● (1610)

Mr. Glen Motz: Okay.

These are the only firearms specified under section 12 of the Firearms Act?

Mr. Rob O'Reilly: They're the only ones identified under these new clauses, which would form part of section 12 under Bill C-71.

Mr. Glen Motz: But it's passive.

Mr. Rob O'Reilly: I don't know if I can answer.

Ms. Nicole Robichaud (Counsel, Department of Justice): Section 12 identifies other firearms, but not with this level of specificity. They're in a more general category.

Mr. Glen Motz: Other firearms that could fit in this classification aren't specifically identified; these have been singled out specifically under section 12?

Mr. Randall Koops: I think because in this case they are the only ones that were deemed to be something other than their classification, using the deemed provisions in 2015. If Bill C-71 repeals the deeming provision, these are the only families of firearms that are affected.

If you look in section 12 of the Firearms Act, you see a whole series of classes of firearms that over the years have been made eligible for grandfathering, both the owners and the firearms. They are usually tied to a specific date or a specific class of firearm. In this case, the new addition to section 12 is simply the two families of firearms that were deemed to be something else in 2015. The specificity that would be added to section 12 around them is in relation to the specificity with which they were deemed to be something else.

Mr. Glen Motz: Okay, thank you.

The Chair: Thank you, Mr. Motz. Is there any further debate?

(Amendment negatived [See *Minutes of Proceedings*])

The Chair: Mr. Calkins.

Mr. Blaine Calkins: I think CPC-14 fell when CPC-13 fell.

The Chair: Yes.

Now we're on to CPC-15, and we have a ruling with respect to it.

In the opinion of the chairs, the words "remote areas", "make their livelihood from hunting", and "related to service in the...military" are imprecise and would be challenged to interpretation before implementation. Therefore, it is out of order, and that ruling also applies to CPC-40.1, which proposes an amendment to clause 10.

Mr. Paul-Hus.

[*Translation*]

Mr. Pierre Paul-Hus: You say, without any other kind of explanation, that the amendment is inadmissible and that we must abide by your decision. However, there are some very important points concerning indigenous people.

[*English*]

The Chair: You have the ability to challenge the chair on a ruling, and if you wish to challenge the chair, you're welcome to.

[*Translation*]

Mr. Pierre Paul-Hus: I don't know the rules.

[*English*]

The Chair: The chair has made a ruling, and it's the prerogative of any member to challenge the chair.

I'm seeing no challenge, so the ruling stands.

[*Translation*]

Mr. Pierre Paul-Hus: That's part of my learning process.

[*English*]

The Chair: We have made no amendments in clause 3.

Mr. Glen Motz: I want to be clear on your ruling regarding why this is inadmissible. This was written by legislative writers, so I don't understand why they would put this in if it isn't proper language. Now all of a sudden it's deemed to be out of order because the language isn't appropriate in identifying remote areas or making a living from hunting. It's just a matter of trying to understand that particular ruling, that's all.

The Chair: There are several phrases in the amendment itself that are less than precise, such as "respect for Canadian heritage", "Indigenous reserve lands", "remote areas", "make their livelihood from hunting", and "related to service". The law hates imprecision, and as a consequence, this is inadmissible.

● (1615)

Ms. Pam Damoff (Oakville North—Burlington, Lib.): Chair, is your ruling debatable?

The Chair: No. I'm clarifying, and I'm assuming that Mr. Paul-Hus is asking for one final clarification.

[*Translation*]

Mr. Pierre Paul-Hus: Mr. Chair, I'm simply trying to get a clearer understanding of the process. You are giving us information that you're relying on to make decisions. I understand.

However, the fact nevertheless remains that the subject is important. Is there any reason for government amendments. I think it's important to take into account indigenous people living in remote regions. I was simply trying to understand why you've come to such a firm decision without giving us the slightest opportunity to correct our amendment. If there is a lack of clarity, that can be corrected.

Basically, the indigenous point of view is extremely important in the context of Bill C-71. We saw that during Ms. Bear's testimony. They are even prepared to challenge its constitutionality. So we're trying to add elements to improve it.

In the interests of clarifying matters, shouldn't we be allowed to move an amendment to the amendment?

[*English*]

The Chair: There's always the prerogative to make an amendment, but you cannot amend something I've ruled out of order.

Mr. Blaine Calkins: Mr. Chair, can you please quote the rules on this? In the 13 years I've been here, which is just slightly fewer than you've been here, I've never actually seen this applied. For every amendment brought before a committee, a chair could simply say that something about it is imprecise.

We as parliamentarians sit at this table to actually debate such things. I don't want to challenge the chair, because I would like to move ahead constructively on this, but I have to say that as somebody who lives in rural Canada and who spends a lot of his time in outlying areas or in the bush, and as somebody who represents 16,000 people who live on reserve and who have a treaty area, this is not imprecise language to me at all. I know exactly what's being talked about here, notwithstanding that the chair doesn't seem to.

The Chair: Well, I would regard that as a challenge to the chair's ruling. I don't have to make a further explanation.

Mr. Blaine Calkins: I'm just asking about the rules, Chair. Can you show me where in the rule book? I was a former chair, too.

The Chair: It is in consultation. It's not as if they drop out of the sky.

Mr. Blaine Calkins: Oh, I know.

The Chair: But it is a drafting convention, it is fair to say.

I would refer you to page 772 in the rules of procedure, which I think I have here.

Mr. Blaine Calkins: On behalf of first nations people across the country, Mr. Chair, I'm going to challenge your ruling.

The Chair: Okay.

Those who are in favour of the ruling of the chair? Those opposed?

(Ruling of the chair sustained)

(Clause 3 agreed to)

(On clause 4)

The Chair: We are now on to clause 4.

On CPC-16, Monsieur Paul-Hus. This is definitely in order.

● (1620)

[*Translation*]

Mr. Pierre Paul-Hus: Mr. Chair, may I remind you of what our expert witness, Superintendent Paul Brown, acting director general of the Canadian firearms program at the RCMP, said. In his opinion, Bill C-71 entails a problem related to the transport of firearms.

The purpose of our amendment is to simplify the transport of firearms for manufacturers, agents, and chief firearms officers and in the case of gun shows. These people need to be able to circulate with these firearms without having to request specific authorizations to transport them each time.

[*English*]

The Chair: Is there any debate?

Mr. Motz.

Mr. Glen Motz: I would like to hear from Mr. Koops, because obviously, as the department representative here in drafting this, there had to be some rationale behind restricting ATTs. I am struggling to historically determine when previously....

We all know that law-abiding gun owners are less likely than anybody to commit a crime. They follow the rules in the transport of weapons. I can't think of ever reading or hearing or of any news issues where someone lawfully transporting a firearm, who, as a licensed firearm owner, created an issue such that we have to restrict the ATTs.

Please enlighten me as to the rationale behind this and how it will be accomplished.

Mr. Randall Koops: The rationale is akin to what we call "the pins on the map" analogy, that the more places and the more broadly distributed those places are that one can have an authorization to transport a restricted firearm and the greater the geographic area in which one can be transporting that firearm, the less the police may be able to challenge the validity of the reason for which you purport to be in that place with that firearm at that point in time.

The best example that I would point to about a rationale for that would be in the submission made to this committee on this bill by the Canadian Association of Chiefs of Police. They spoke about the usefulness of restricting ATTs to police officers in the conduct of their duties, particularly in the field, in vehicle stops, and also in the possibility of persons who are not law-abiding gun owners using the rationale of a broader authorization to transport in the context of a defence when an offence is committed.

Mr. Glen Motz: Okay.

I still have a question for the chair. If CPC-16 falls, does CPC-18 fall as well? I will argue that CPC-18 is similar. It's more expansive.

The Chair: Yes. My notes say that CPC-18 is identical to CPC-17.

If CPC-16 is successful and is adopted, then CPC-17 and CPC-18 cannot be moved. If CPC-16 is defeated, CPC-17 and CPC-18 are still alive.

Is there further debate on CPC-16?

(Amendment negatived [See *Minutes of Proceedings*])

The Chair: LIB-2 is in the name of Mr. Bossio. Mr. Bossio is not a member of the committee. Is anybody prepared to move?

● (1625)

Mr. Glen Motz: I think we should have a look at this, Mr. Chair, and I think I'm prepared to move it.

The Chair: LIB-2 is moved by Mr. Motz.

Is there any debate?

Mr. Glen Motz: I didn't pay much attention to it, so I haven't read it much.

The Chair: Go ahead, Mr. Calkins.

Mr. Blaine Calkins: This is from our colleague, Mike Bossio, who's an associate member of the committee and represents a riding a bit to the south and west of here. I happened to visit it a little while ago. I talked to the folks in Bancroft at the rod and gun club, which the fish and game association has there.

I think this is consistent with some of the things that Sean Fraser has brought before this committee as well, when he's appeared as an associate member, talking about the whole issue of the ATT.

As you know, Mr. Chair, I think our friend Mark Holland has a little trouble with this right now because of some of the comments he made in the House about the changes to the ATT.

What's at stake here is the fact that Bill C-42 was adopted in the previous Parliament. It provided authorization to transport for the most vetted community in Canada, the firearms community, for anybody who wants to take a restricted firearm in that classification, which is usually, generally, a handgun, pistol, revolver, and some long guns. The only place they are lawfully allowed to take these firearms is to a range or to a competition or to a gun shop. In the previous Parliament, we thought it was onerous that every time they wanted to do something as straightforward as that they would have to get an authorization to transport.

We've heard from various witnesses who've appeared before the committee that the vast majority of times when the electronic ATT, which shows up right away and is easily caught through the information system...whereas a paper one is regressive in the way we do business.

Notwithstanding that, Mr. Bossio is obviously getting some significant pressure, as is Mr. Fraser, who asked these questions as, I imagine, a lot of the rural MPs who are in the governing caucus right now are probably getting. We know that about 2% or 3% of the time at the very most, somebody is transporting a firearm to a gunsmith; that's what's been heard before this committee. It makes no sense to require them to get a paper ATT to do that.

We fully support Mr. Bossio's amendments. Expanding this amendment by re-including the ability to take your restricted firearm to a gunsmith only makes common sense for law-abiding firearms owners. It does nothing to curb crime. I've heard no statistics to suggest that this is what organized crime is doing. They're going through the process of buying a gun licence and getting their RPAL in the guise of taking their firearm to a gunsmith to transport their firearms. Nobody said that in all seriousness.

I would agree with Mr. Bossio, even though I'm sure his colleagues at the table here won't.

The Chair: Mr. Motz.

Mr. Glen Motz: Thank you, Chair.

I applaud Mr. Bossio for speaking for what I've been told is certainly some silenced Liberal MPs from the backbenches in rural areas.

So we can make an informed decision, Mr. O'Reilly, you're best qualified to answer my next question.

Can you explain, currently under the law, the six transportation authorities that exist now, what the law is around them and how they are applied in those rules, so we understand what is happening today, and the requirements of each individual PAL owner who wants to transport the firearm for the six reasons that they can? What are those rules and what does each one mean?

● (1630)

Mr. Rob O'Reilly: Under the current legislation, if an individual wishes to acquire a firearm, they must first confirm the purpose for which they want that firearm. There are two general purposes: one would be for target shooting; the other would be as part of a collection.

If an individual were to confirm that they wish to acquire a firearm for target shooting, they would have six authorizations to transport attached to their licence: first, they would be able to take that firearm home from the business where they acquired it; second, they would now have authorization to take that firearm to any approved section 29 range in the province in which they reside; third would be to gun shows; fourth would be to border crossings; fifth would be appraisal and/or repair, and I believe sixth is disposition to surrender to a chief firearms officer or police.

Those are the six. If the individual were to indicate they are acquiring the firearm for the purposes of a collection and that reason were validated, then they would get five conditions added to their licence, namely they would not get the transportation to a range because they've indicated they are acquiring for collection purposes and not target shooting.

Mr. Glen Motz: That provides a lot of clarity and I appreciate that. Now, what rules do they have in each of those transportation responsibilities?

Mr. Rob O'Reilly: I would say, generally speaking, in the case of all those transportation authorities that they proceed by the most direct route from the point of origin to where it is that they are going during normal business hours.

Mr. Glen Motz: I was more specifically referring to how that firearm is transported.

Mr. Rob O'Reilly: Generally speaking, unless I misunderstood your question sir, if they were going to the range from their home, they would transport that firearm in a secured case, presumably in their vehicle.

Mr. Glen Motz: Right. What I'm getting at is this. A law-abiding gun owner will "trigger-lock" their firearm, put it in a locked case, and they will transport it out of sight, in all circumstances unless it's impossible to do so, generally in a trunk or something thereabouts.

This isn't just thugs running around transporting their firearms, as Mr. Holland had suggested in the House. There are clear rules. Those rules apply and are followed by law-abiding gun owners.

I'm curious to know what we hope to accomplish. I go back to you, Mr. Koops, on this. What did we hope to accomplish by restricting the ATTs? I'm still unclear. We had no identifiable issues with individuals who are legally transporting their firearms. You are putting more restrictions on them now under Bill C-71.

If this bill, which the minister told us was ultimately about public safety.... You said it limits their ability to travel from point A to point B; they don't travel around with them. Quite honestly I know thousands and thousands of lawful firearms owners who transport their firearms legally and they don't travel around indiscriminately. I'm at a loss to know why the current legislation has gone to such lengths to try to remove ATTs because there's no evidence to support that this will actually improve public safety.

● (1635)

Mr. Randall Koops: When he was before you he talked about the intent as being preserving, for firearms owners, the automatic ATT for the vast majority of reasons for which they would transport their firearms: to bring them home, and bring them to and from the range, for those that are authorized to go to the range.

Of all the many purposes for which one can transport a firearm, the other types of activities are less frequent and the minister has proposed, through Bill C-71, that some of those activities no longer be automatic, for example going to the border with a firearm. That is not as frequent an occurrence for most firearms owners as either taking the firearm home or taking the firearm to the range.

Mr. Glen Motz: Fair enough. I know a scenario that has happened. Under the current legislation I'm allowed to take a firearm from my home to a shooting range. My firearm breaks down at that range. Now I can't go from the range to a gunsmith to repair it, unless I first take it back home, then get permission to transport it to a gunsmith.

A voice: If it doesn't work, it's not a gun.

Mr. Glen Motz: It might work, it might not work, and of course, having a firearm in proper working order is a safety issue for the operator, obviously.

I'm wondering from that perspective whether that has been an oversight.

Mr. Randall Koops: Could we have just a moment, Mr. Chair? Thank you.

The Chair: Okay, Mr. Koops.

Mr. Randall Koops: I think in response to the question, sir, we will just observe that it is possible that someone can contact the Canadian firearms program from the range and request that an ATT be issued to them to transport the firearm to the gunsmith. As we indicated previously, the Canadian firearms program makes authorizations to transport available in PDF format that can be issued on the spot and carried on one's telephone.

Also, my colleague points out that most trips to the gunsmith are of a slightly less impromptu nature and generally, for a slightly longer period of time.

The Chair: Go ahead, Mr. O'Reilly.

Mr. Rob O'Reilly: The only thing I would add is that part of the implementation strategy for the Canadian firearms program, in relation to this legislation, will be the creation of an online portal, which will allow individuals in real time to make application for authorizations to transport. Assuming that there are no reasons for which that could not be accomplished, the individual should be able to almost immediately receive that authorization to transport electronically, via their phone. In your scenario, then they would be able to take the firearm from the range directly to the gunsmith.

Mr. Blaine Calkins: Would that be during regular business hours?

Mr. Rob O'Reilly: That's correct. Right now, we will be operating our call centre staff— the individuals who would issue authorizations to transport—nationally, from 9 a.m. until 7 p.m., Monday to Friday, I believe.

Part of our implementation strategy for C-71 will be the creation of an online portal, which will allow individuals to electronically make application for an authorization to transport.

Mr. Glen Motz: What I've had gun owners tell me—and what you've confirmed for me, basically—is that, by changing the ATT rules, we're suggesting that there's a public safety risk in taking my firearm to a gun shop or a repair shop. If there were not a public safety risk, we wouldn't be here today, unless there's some other motivation.

There's no evidence to support that suggestion at all—zero. No witness at the committee and no evidence I've ever read would suggest that there is a reason because this does not pose a public safety risk. If it doesn't pose a public safety risk—and C-71 is supposed to be all about public safety—why are we doing this?

● (1640)

The Chair: That's not a question officials are ready to answer. You should be asking your colleagues over here.

Mr. Glen Motz: They're not interested in answering.

The Chair: Ms. Damoff is interested, though.

Mr. Glen Motz: She's very interested. I know.

The Chair: Are you finished questioning?

Mr. Glen Motz: I'm just curious to know that. They can answer that if they want, but I guess the answer is evident, since they don't even support their own member's amendment. I will leave it at that, Mr. Chair, for this moment.

The Chair: Thank you.

Go ahead, Ms. Damoff.

Ms. Pam Damoff: Mr. Chair, actually, I don't need to.

The Chair: Mr. Motz, do you wish to ask further questions?

Mr. Glen Motz: I'm good for now.

The Chair: Okay.

Seeing no further questions, those in favour of LIB-2?

[*Translation*]

Mr. Pierre Paul-Hus: Mr. Chair, I would like us to hold a recorded vote so that the citizens of Hastings—Lennox and Addington can see that the Conservatives support them.

Thank you.

[*English*]

The Chair: Okay. It's a recorded vote.

(Amendment negatived: nays 5; yeas 4 [See *Minutes of Proceedings*])

The Chair: We're on CPC-17. CPC-17 is still in order.

Mr. Paul-Hus.

Mr. Glen Motz: I'd like a point of clarification on CPC-17 and CPC-18, Mr. Chair.

The Chair: Yes, the same rules apply.

If CPC-17 is adopted then CPC-18 is gone. If CPC-17 is defeated, CPC-18 could stand. CPC-17 and CPC-18 are identical.

Mr. Glen Motz: That's good to know. Thank you.

The Chair: That's the interpretation.

Mr. Paul-Hus.

[*Translation*]

Mr. Paul-Hus, please present amendment CPC-17.

Mr. Pierre Paul-Hus: Thank you, Mr. Chair.

Let's give our friends another chance. Our amendment is similar and concerns the transport of firearms for manufacturers and gun shows. I think it's quite clear.

We received a letter from William Golds, of Oakville, Ontario, which you, Mr. Chair, and Ms. Damoff also received. In it, Mr. Gould stated that Judge Khawly, of Toronto, told chief firearms officers on September 21, 2012 that authorization should include transport to manufacturers and verifiers. in his view, it is logically in the interest of public safety that firearms should function properly. That is what my colleagues mentioned earlier. He also said it was absurd to deny such authorizations merely because chief firearms officers had rarely granted them in the past.

Again according to the judge, from the standpoint of public safety —and we are the Standing Committee on Public Safety and National Security—a firearm that is legal and is used for hunting and on firing ranges must be safe. It makes no sense to complicate further the lives of honest firearms owners by requiring them to obtain an authorization each time they transport a firearm.

Mr. Bossio's proposal was really perfect. Now we have another chance with the Conservatives' amendment, which I believe should be adopted.

[*English*]

The Chair: Mr. Motz.

Mr. Glen Motz: Chair, again, this goes back to adding the authority-to-transport clauses for gunsmiths and ranges as they were previously and for gun shops and gun shows. I understand why open-ended transportation permits for anyone would be an issue. For those who receive a firearms licence, however, who we understand are already subject to daily scrutiny, as has been identified, they can have their property seized by police much more readily than regular members of society, despite not being the problem. As we know, gangs and guns, drug issues, and violent criminals are the problem. It would stand to reason that restricting the straightforward and legal necessary transportation of a firearm to a gunsmith, a gun shop, or a gun show would continue to be a reasonable measure and would offer no significant risk to the public.

Now, from experience, I can tell you that I have on occasion stopped vehicles that were transporting firearms. Law-abiding gun owners, in all the circumstances that I recall, advised me upon my approaching that vehicle that they were licensed gun owners and had a firearm in their vehicle, and they advised me of where they were coming from and where they were going. They posed no threat to me, and they certainly posed no threat to anyone else in the public from that perspective. In most circumstances, I didn't see the firearms, because they were either in the trunk or secured in another location in the vehicle. In all circumstances, their triggers were locked, the guns were in a locked case, and they were not readily available to be seen by members of the public.

I am at a loss to understand any rationale from a public safety perspective, as indicated before, as to why the ATTs should be reduced at all. We already know that individuals and licensed businesses are subject to significant criminal sanctions if they break the rules. We know that if a gun shop sells a firearm to someone who doesn't have a PAL, if they sell it illegally, they could face up to five years in jail. A legal expert told us at committee that individuals and businesses are subject to gun-related offences should they not follow the rules.

It's unfortunate.... We have an opportunity here to maybe even endear this to some of our law-abiding firearms owners who have been ranting, appropriately so, against this particular bill, for them to recognize there's some reasonableness behind it. To me, reinstating some of the authorities to transport in this legislation provides at least a level of reasonableness that the law-abiding gun owners in this country are looking for from the current government.

● (1645)

The Chair: Mr. Calkins.

Mr. Blaine Calkins: I have a question for our witnesses.

Prior to Bill C-42 and the automatic ATT or the accompanying ATT with the RPAL, was there any situation whereby somebody who made an application to take their firearm to a gunsmith was denied?

Mr. Rob O'Reilly: I cannot state any specific situation.

Mr. Blaine Calkins: It would automatically be approved anyway, right? Do you foresee any circumstance where—

Mr. Rob O'Reilly: Well, no, that's not correct, in the sense that if the individual indicated that they were taking the firearm to a gunsmith but we were to check in the system and that individual did not have a business licence for gunsmithing, they would not be issued an ATT to take it to that individual.

Mr. Blaine Calkins: That's the clause.... So this is actually not an issue for the firearms owner, but an issue of who's a bona fide gunsmith.

Mr. Rob O'Reilly: I'm not sure if—

Mr. Blaine Calkins: Well, that's what you just said. I mean, if they're taking the firearm to a place that's not a bona fide gunsmith.... As a department, do you have a list of who's a bona fide gunsmith?

Mr. Rob O'Reilly: Yes, we do.

Mr. Blaine Calkins: Okay. For anybody who requests an ATT to take their firearm to a bona fide gunsmith, are there any circumstances under which they would be denied? Is there any foreseeable reason why they would be denied? It sounds to me like this is going to be an automatic approval. Can you give me a reason why it wouldn't be an automatic approval?

Mr. Rob O'Reilly: No, except that what would be occurring under Bill C-71 when an individual is issued an ATT to a gunsmith for repair, the ATT they would be receiving would be to that specific gunsmith at a specific window of time. The ATT they would be issued would indicate their place of residence, the gunsmith to which they are going, and the period of time of validity. It wouldn't simply be added to the licence automatically.

● (1650)

Mr. Blaine Calkins: Okay. That's what it does and that's what it provides, but it would be automatically approved. There would be no circumstance in which a person who has an RPAL and has a registered restricted handgun and wants to take it to an approved on-the-list gunsmith would be denied.

Mr. Rob O'Reilly: I cannot think of a circumstance. Assuming that the gunsmith is validated and the purpose of the request for the ATT is validated, the ATT would be issued.

Mr. Blaine Calkins: Does the department have any statistics showing how that's going to improve public safety?

Mr. Rob O'Reilly: I can't answer that question. We've not been asked to collect statistics in that regard.

Mr. Blaine Calkins: All right. Thank you.

Mr. Rob O'Reilly: You're welcome.

The Chair: Monsieur Paul-Hus.

[*Translation*]

Mr. Pierre Paul-Hus: I just want to clarify a transcription detail. According to the English interpretation, I cited the date as September 21, 2017, but the year was in fact 2012. So I would like to ensure that the record shows 2012.

[*English*]

The Chair: Thank you.

I'm seeing no further debate on CPC-17.

(Amendment negatived [See *Minutes of Proceedings*])

The Chair: CPC-18 has already been shown to be exact to CPC-17, so CPC-18 is not dealt with.

We're now on to CPC-19, which is standing in the name of Mr. Calkins.

Mr. Blaine Calkins: Mr. Chair, for greater clarity, this amendment is proposing that we amend the bill in clause 4 by replacing line 12 on page 6 with the following:

> tion 29, to and from a business that holds a licence authorizing it to repair or appraise prohibited firearms or restricted firearms, to and from a gun show, to a port of exit in order to take them outside Canada, and from a port of entry. However, the authorization does not apply to a

To put it in the context of the legislation, this is very similar to the proposed amendment that was moved by Mr. Bossio and by my colleague.

I don't know that it needs a whole lot more debate, but given the fact that there doesn't seem to be any evidence at all to suggest that this is going to enhance public safety and will only provide an onerous step for the most scrutinized group of Canadians—law-abiding firearms owners—and given the fact that this bill is being sold as a bill for the purpose of public safety despite the fact that the department has no statistics to substantiate where it is going to increase public safety, we should return to the way things are operating right now.

That's what this proposed amendment seeks to provide: treating law-abiding firearms owners respectfully and trusting in their judgment. There are plenty of other provisions in law to deal with those who operate outside of the confines of the law.

The Chair: Is there further debate? Seeing none, we'll vote on CPC-19.

(Amendment negatived)

(Clause 4 agreed to)

(On clause 5)

The Chair: We are now on NDP-2.

Mr. Dubé.

[*Translation*]

Mr. Matthew Dubé: Thank you, Mr. Chair.

A concern has been raised about the issuing of reference numbers following verification of a licence in the case of the sale or transfer of a firearm between two individuals, a measure that we support. This concern stems from the fact that it should be clarified whether the reference number is associated with the verification of the licence or with each firearm.

This amendment will permit the issuing of one reference number per transaction between two individuals. This will guarantee firearms owners that the reference number issued will serve solely to enable them to validate that the licence was verified before the transaction was confirmed.

● (1655)

[*English*]

The Chair: Mr. Motz.

Mr. Glen Motz: Chair, I agree with my colleague. I think this makes a lot of sense and allows for, as indicated, the multiple transfers of firearms legally at one time. It responds to the concern raised by Mr. Bernardo and Mr. Friedman at committee that individuals seeking to transfer multiple firearms need to get multiple reference numbers.

I would defer to Mr. Koops on this as to why we would draft this to require one reference number for every transfer, as opposed to one each time you want to transfer. If Mr. Calkins and I wish to transfer firearms back and forth, under what you're proposing currently it's that every time on the same day.... It doesn't say that, though. You're shaking your head no, that's not what it says...?

Mr. Randall Koops: Actually, I'm very pleased to have the question, because it gives us a chance to correct what has unfortunately emerged as a misperception about how clause 5 is drafted.

Clause 5 as drafted does in fact provide for the transfer of more than one firearm. The notion that has emerged that it is one reference number per firearm is not correct. It is in fact one reference number between a vendor and a seller, with no limit on the number of firearms.

At the bottom of page 6, it states:

> A person may transfer a non-restricted firearm

It is not intended to limit that to a single firearm. There's nothing in the bill as set forward that would intend to require separate reference numbers for separate firearms. The number of firearms covered by a reference number could be one, it could be many, or indeed, as we've pointed out before, it could be zero, because it does not in fact confirm that the transfer took place. It confirms that the licence of the buyer was in fact valid.

Mr. Glen Motz: I appreciate the explanation, sir. However, the fact that my learned friend would suggest that we actually change the language so that you can transfer more than one is the same question I would have. This says to me "a", which generally in our English language means the singular. If you interpret this to be more than one, it goes back to the interpretation again and how this is going to be applied.

Mr. Randall Koops: I believe it goes to the Interpretation Act, in fact, but my colleague can explain.

Ms. Nicole Robichaud: I was just going to clarify. Under the Interpretation Act, words in the singular in legislation also mean the plural, unless there's a contrary intent in the legislation. That's the standard. It's standard drafting convention to say "a" to refer to something in the singular, but it would also include the plural.

Mr. Glen Motz: I appreciate that. I didn't know that, so will a CFO or someone who is going to confirm these transfers...? We'd be naive to believe that on a weekend I'm going to go online, do a transfer, get a reference number, and buy a firearm, whatever it might be, and that we're going to get this reference number and there would be no further follow-up. The CFO isn't doing his job if he doesn't do some sort of follow-up on that.

Will that interpretation also be understood by the CFO that I didn't just transfer "a" firearm, but that I transferred a number of firearms in the same occurrence? Will they understand that? If that's the case, what harm would there be in adding clarity for those in our firearms community who have confusion about this already and who may in fact go and obtain numerous reference numbers when they really don't need to because they don't understand what that actually means?

The Chair: If I may, Mr. Motz, I don't want to interrupt your questioning....

Mr. Glen Motz: Yes. Thank you, sir.

The Chair: However, I think if you let Ms. Damoff have a moment, you might find that quite acceptable.

Mr. Glen Motz: Okay.

The Chair: Ms. Damoff.

Ms. Pam Damoff: Thank you, Chair.

In the hopes of speeding things along here, we support this amendment.

● (1700)

Mr. Glen Motz: That does change the complexion a bit.

The Chair: Yes, that does change it.

Mr. Glen Motz: Does Mr. Koops know that?

The Chair: Now he knows that.

Mr. Blaine Calkins: I have some questions that haven't been brought up at this particular point. Notwithstanding the goodwill here—I think we're going to be supporting this as well—I want a couple of questions of clarification.

The Chair: Sure, we're still on debate.

Mr. Blaine Calkins: I have some concerns.

I'm a hunter, and it happens from time to time that we borrow each other's firearms or lend each other firearms, sometimes for a short term. It can be as simple as two hunters in a duck blind borrowing each other's shotguns.

I'm not suggesting that there is going to be a problem there, but there are also hypothetical situations. You find yourself in the back country. If the rifle you brought has malfunctioned, you forgot the ammunition after you've driven a long way, and you want to borrow a firearm from your colleague, would that be caught up in the need to do a transfer for borrowing? Is there some provision in the law that I'm not aware of that would allow two hunters, who both have the licences and everything they need, to lend their firearms for a short term or intermediate term?

By intermediate term, I would suggest that would be for a week. For example, if I were on a week-long hunting trip and my firearm for whatever reason was disabled, and I wanted to borrow a spare rifle that one of my colleagues brought on the hunting trip, is that caught up in this?

Mr. Randall Koops: The answer is no, because lending between two authorized owners, two licensed owners, is not a transfer as defined here.

Mr. Blaine Calkins: It's not a transfer. Okay, thank you.

Thanks, Chair.

The Chair: Before I call the question, I want to take note that if amendment NDP-2 is adopted, amendments CPC-20 through CPC-22 cannot be moved because—

[*Translation*]

Mr. Pierre Paul-Hus: What are you saying?

[*English*]

The Chair: —they amend the same line.

[*Translation*]

Mr. Pierre Paul-Hus: Which one can't be moved? Is it amendment CPC-20?

[*English*]

The Chair: They cannot be presented, because they amend the same line.

[*Translation*]

Mr. Pierre Paul-Hus: Exactly what does that mean?

[*English*]

The Chair: It's convention that you can only amend the line once.

Mr. Blaine Calkins: How do you decide what you'd like to be brought forward first, Mr. Chair?

The Chair: It's the order in which they are received.

May I call the question on amendment NDP-2?

(Amendment agreed to [See *Minutes of Proceedings*])

The Chair: That, therefore eliminates amendments CPC-20, CPC-21, and CPC-22.

Members, it is my intention to take a break at around 5:30. I hope that meets with the approval of colleagues.

On amendment CPC-23, Mr. Paul-Hus.

[*Translation*]

Mr. Pierre Paul-Hus: I'd like to go back to what you said about it being impossible to amend the same line. If one line of the bill is altered by an amendment, can another amendment be amended again, somewhat like a subamendment?

[*English*]

The Chair: If we defeated amendment NDP-2, then your amendments CPC-20 through CPC-22 would still be alive.

[*Translation*]

Mr. Pierre Paul-Hus: As for amendment NDP-2, we accept the change made, but that changes nothing in our own amendments since it concerns something else. Isn't that the case? Are our amendments automatically nullified by the adoption of amendment NDP-2?

The Clerk: The committee has made a change to a line in the bill. Consequently, to avoid any redundancy or confusion, you would probably have to move an amendment to this amendment that has been adopted. You can still present your subsequent amendments, but you would have to adapt them to exclude the line that has been amended by amendment NDP-2.

● (1705)

Mr. Pierre Paul-Hus: I see.

Can you give me a minute? Since that concerns three amendments, you've just saved two hours.

This won't be long.

[*English*]

The Chair: Mr. Paul-Hus.

[*Translation*]

Mr. Pierre Paul-Hus: Where are we? Are we on amendment CPC-23?

[*English*]

The Chair: We're on CPC-23.

[*Translation*]

Mr. Pierre Paul-Hus: All right.

This is a very important amendment.

Mr. Chair, even if the Liberals adopt the bill as it stands, the fact remains that, despite the amendment we adopted on Tuesday, this is a kind of registry because the established concept is consistent with that of a registry. At the same time, I'm pleased to see that the Liberals have voted to add a line to the bill providing that this is not a registry, but, in actual fact, what is here will nevertheless stand.

I received a letter from a Calgary couple, Mr. and Mrs. Delamont, who had an idea for a way to simplify the process. We were short of time, we had four meetings, and we didn't really have enough time to do everything we wanted to do and conduct a good study of Bill C-71. Our travel was also denied.

Amendment CPC-23 eliminates the obligation to issue a reference number and requires only that the transferor's licence be verified as valid. That would be enough, somewhat as we have just done with amendment NDP-2.

Adding verifications and reference numbers is merely one way of restoring, once again, a kind of verification, a kind of registry—we'll call it what we want.

[*English*]

Mr. Peter Fragiskatos (London North Centre, Lib.): Mr. Chair, on a point of order, CPC-2 clarified what this committee almost unanimously has understood from the beginning, which is that C-71 is not a registry. I welcomed Mr. Paul-Hus introducing that amendment. I think that because we accepted that amendment, what he's talking about here, frankly, and in other amendments that follow is rendered moot.

The Chair: From the standpoint of an argument, it may be moot, but it's not moot as far as legislation is concerned. As long as this is in order, it's in order, regardless of—

Mr. Peter Fragiskatos: I meant out of order. By saying "moot" I meant that I think what Mr. Paul-Hus is talking about is actually out of order because of CPC-2.

The Chair: Mr. Fragiskatos, I know this may be a disappointing ruling, but Mr. Paul-Hus is still in order, and it is not moot, notwithstanding what you and I might think about CPC-2.

Mr. Paul-Hus, do you wish to continue with your argument about CPC-23?

[*Translation*]

Mr. Pierre Paul-Hus: Thank you, Mr. Chair.

I understand that people are tired, but that's life. We're here to do our work.

As regards amendment CPC-23, I don't know whether there are any differences of meaning between the English and the French. Here's the French version:

> b) le cédant a vérifié auprès du directeur, par écrit, en ligne ou par téléphone, le permis du cessionnaire.

The translation corresponds; the wording is accurate.

What bothers us is the matter of the reference number for the transferor and transferee. It's not the same thing, but it is the same principle, although it's a different clause.

Can our experts provide some verification?

● (1710)

[*English*]

The Chair: Are you directing the question to them—

Mr. Pierre Paul-Hus: Yes, sir.

The Chair: —and if so, could you be...? I didn't hear the question, so could you repeat the question?

[*Translation*]

Mr. Pierre Paul-Hus: Yes, Mr. Chair.

Since we've introduced an amendment, and everyone is aware of the amendments, I would like to hear the opinion of our experts. What do they think of our proposal?

[*English*]

The Chair: Okay, here we go.

Mr. O'Reilly.

Mr. Rob O'Reilly: I won't speak in terms of opinion, but I will speak in terms of the consequences of the removal of the reference number.

First, it would remove accountability from the individual who is required to verify licensing. Second, it would compromise the ability for law enforcement to effect a trace.

[*Translation*]

Mr. Pierre Paul-Hus: So?

[*English*]

The Chair: Mr. Calkins.

Mr. Blaine Calkins: With the greatest of respect to my colleagues around the table here, as a former database administrator, data architect and systems analyst, I will say that you can't trace something against a database that doesn't exist. A database is a registry by any other name.

I guess it doesn't matter...the inconsequential amendments that were adopted unanimously at this table for CPC-2.... This amendment eliminates the provision for requiring a reference number to transfer a non-restricted firearm, but it still requires that they get the approval; it just removes the reference number. Given the fact that CPC-2 was actually adopted and everybody at this table agrees that this is not a registry, do you believe that the adoption of CPC-2 actually puts in conflict the current...? If we don't adopt this particular section, then we're not actually living up to the provisions that were adopted in CPC-2 that got rid of the traceability of records and reference numbers.

My question is just that. If you have a database, if you have a reference number, you have a primary key identification number in a relational database. You guys might know these things. I know these things like the back of my hand. If we don't adopt this, how are we going to be in conflict, or could we be in potential conflict, with the fact that the committee has already adopted CPC-2?

Notwithstanding the fact that it's a trace—I understand that the police and the minister believe that tracing a firearm back to its original source is actually going to somehow solve crimes, the presumption being that the initial purchase of the firearm by a law-abiding licensed firearm owner is somehow the cause of the crime that happens subsequently—how does this actually advance public safety? I don't see how this advances public safety in the slightest. It might make things, with regard to investigative procedure or from an investigative point of view, slightly easier. However, if we're investigating an unlawful firearm or a firearm that's used unlawfully by somebody who is licensed or by somebody who is not licensed, those are completely different investigations.

Mr. Rob O'Reilly: Sir, I'm not quite sure what the question is in terms of the advancing of public safety.

All I can say is that with regard to the regime that is currently being suggested, the presumption is that we've now identified that the firearm in question related to a crime is now attached, lastly attached, to an individual who is a licensed firearms owner. That individual either lawfully verified the licence of somebody else and transferred the firearm, did not lawfully transfer the firearm, or in fact was the individual who committed the crime.

Mr. Blaine Calkins: But this regime was in place for 20 years. Given the fact that the records need to be kept at the point of original sale for a new firearm or a used firearm, the police could actually trace this back through several transactions of lawful firearms owners, which then implicates them in an investigation that they otherwise wouldn't necessarily need to be in, and I think that's the concern.

Mr. Rob O'Reilly: I note your concern. I'm not sure what you would have me answer from my perspective.

Mr. Blaine Calkins: What difference is it going to make whether or not there is a reference number if the transaction is still approved by phone or...?

This amendment actually proposes that the "transferor has verified the transferee's licence in writing, online or by phone with the Registrar", so the verification process has actually happened. Would you agree that this is what the amendment actually proposes, or is there some disagreement?

Mr. Randall Koops: There is no disagreement there.

The reference, though, sir, is that the reference number—

● (1715)

Mr. Blaine Calkins: Yes, it's to remove the reference number.

Mr. Randall Koops: Yes, but the reference number is the means by which the transferor has proof of having verified that the licence was valid.

Mr. Blaine Calkins: Okay. Right now, the law does not have a reference number on that. The law presumes that any transfer between two individuals, or between a business and an individual, happens at the point of sale where the buyer or purchaser provides a valid firearms licence, a PAL, and it's presumed that the licence is valid. That licence can be checked.

Mr. Randall Koops: Voluntarily, yes.

Mr. Blaine Calkins: If there's reason or a suspicion to believe, for example, that somebody's buying 20 firearms at once, that might trigger the vendor to say, "Something is up here. We're going to phone and verify this licence," or whatever the case might be. Those things are being changed, as well, in this legislation.

What I'm asking specifically is, other than keeping a reference number of that transaction, nothing is actually being changed with this amendment. Is that correct?

Mr. Randall Koops: Except that the transferor does not have the benefit of receiving a number that confirms that they have done their due diligence and complied with the intention of the law.

Mr. Blaine Calkins: Right, Mr. Koops, but there isn't one right now.

Mr. Randall Koops: Correct.

Mr. Blaine Calkins: The implication is that all the transfers that are happening person to person, business to person, are illegal transfers.

Mr. Randall Koops: Not at all.

Bill C-71 is proposing that there be a means of obliging vendors to verify that a purchaser has a valid licence. In turn, that vendor or seller, the transferor in the terms of the legislation, then has a reference number that proves they did their due diligence as required by law, and checked the validity of the licence of the purchaser.

Mr. Blaine Calkins: But the fact that—

Mr. Randall Koops: That is not to suggest that transfers that are occurring now under the law as it currently stands are in any way illegal or deficient. It's that Bill C-71 proposes a change to the current process.

Mr. Blaine Calkins: I'm not suggesting that you're suggesting that. I'm suggesting that the purpose for making these changes legislatively, and the government's position, is that there is a problem here that needs to be fixed, that there are illegal transfers going on. That's why the reference number is there.

I haven't had a single firearms owner in the community come to me and say they're worried that the firearm they bought might not have been a legal transaction. I don't have that problem. This is a solution in search of a problem, as far as I'm concerned.

I'm trying to figure out what the public safety value of this particular change actually is, other than that the reference number you're suggesting, Mr. Koops—and I'm not even going to disagree with you—provides a number that the transaction is valid. There are other ways to provide that it's valid, by simply saying to please verify the transferor's licence in writing, online, or by phone with the registrar.

When I go to a gun shop to buy a firearm or to buy ammunition, I must produce, contrary to what.... I mean, everybody who retails checks the licence. They have to.

Mr. Rob O'Reilly: They don't.

Mr. Blaine Calkins: Well they do. Everyone who I've gone to does.

Mr. Rob O'Reilly: In fact, by law they do not have to check the licence. They just have to be sufficiently convinced or certain that the individual is in possession of a licence. They do not, in fact, have to check the licence.

Mr. Blaine Calkins: And if they were unclear about that, they would actually—

Mr. Rob O'Reilly: They should. Due diligence would suggest that they should.

Mr. Blaine Calkins: If I don't—

Mr. Rob O'Reilly: I just want to clarify that there is not an absolute requirement to check the licence.

Mr. Blaine Calkins: That's fine. That's a different clause that we're going to be talking about.

In this particular case, all that's really happening is that reference number is being provided. I'm asking the question, what is the public safety value for that?

I understand from a police investigation perspective, but that happens post an event actually happening. They wouldn't be doing an investigation unless there was already an incident.

It's not preventing or protecting anybody, from a public safety perspective. I'm simply asking why this isn't sufficient. This is the current law right now. This is basically reverting to what the current legislation or the intent of the current legislation is. Right now, what are the problems that this is going to resolve?

I don't have any firearms owners coming to me and saying they want the protection of a reference number. I don't have a single law-abiding firearms owner in my constituency saying, "I really want the protection of a reference number for the transactions." I don't have one.

Please tell me what public safety value this has.

Mr. Randall Koops: I can point you back, sir, to the comments of the minister when he was here, which were that the current process does not require the verification of a licence. It is voluntary to do so. He has proposed that it is in the interest of public safety that anyone selling a firearm verify that the person who is purchasing the firearm hold a valid licence.

The act as currently drafted simply requires that a person have no reason not to believe someone is eligible to purchase the firearm. The minister has suggested that creating, in law, a positive obligation on anyone selling a firearm to verify that the person purchasing the firearm has a valid licence to purchase it is in the interest of public safety. By extension, it is in the interest of the person who is selling the firearm that they have some proof to be able to show that they did in fact check the licence, that they were assured by the Canadian firearms program that the licence was valid, and they are issued a reference number to provide them with that proof that they have done their due diligence.

● (1720)

Mr. Blaine Calkins: Mr. Koops, sir, does the department have any correspondence from any Canadians who are law-abiding firearms owners suggesting that they want the protection of a reference number?

Mr. Randall Koops: I don't know the answer to that question.

Mr. Blaine Calkins: That's fair enough.

The Chair: Mr. Motz and then Ms. Damoff.

Mr. Glen Motz: Mr. O'Reilly, I just want to go back to your comment. Ms. Clarke, I believe, has it.

Can you read section 101 of the Firearms Act for me, please?

Ms. Paula Clarke: Would you like me to read the entire section?

Mr. Glen Motz: I'm sorry. I meant the Criminal Code, not the Firearms Act.

Ms. Paula Clarke: Do you want me to read the section to you?

Mr. Glen Motz: Yes, please, not to me but to the committee.

Ms. Paula Clarke: It states:

> 101(1) Every person commits an offence who transfers a...firearm,...a prohibited weapon, a restricted weapon, a prohibited device, any ammunition or any prohibited ammunition to any person otherwise than under the authority of the Firearms Act or any other Act of Parliament or any...[regulations] made under an Act of Parliament.
>
> (2) Every person who commits an offence under subsection (1)
>
> (a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years; or
>
> (b) is guilty of an offence punishable on summary conviction.

Mr. Glen Motz: Mr. O'Reilly, you indicated just a few minutes ago that there is no requirement in law for a gun shop to ensure that the person they are selling a firearm to is a licensed firearm owner or is in lawful possession of a licence.

Mr. Rob O'Reilly: Well, if I said that, I meant to indicate that the firearms business does not need to positively verify that the licence is valid—

Mr. Glen Motz: Well, in fact, if they do not have a licence and they sell a firearm today, before Bill C-71, they run the risk of being criminally sanctioned and can receive a five-year prison sentence. Is that correct?

Mr. Rob O'Reilly: According to section 101, yes.

Mr. Glen Motz: Then, the suggestion that there is a need to have transfers, because there is no requirement now to do that, is wrong. Because there are criminal sanctions now, a firearm cannot be lawfully sold or transferred to another individual by a gun shop if the individual receiving it does not have a firearm licence. Is that correct?

Ms. Paula Clarke: The transferor would have to have knowledge that that person was not in possession of a firearms licence.

Mr. Glen Motz: [*Inaudible—Editor*]

Mr. Blaine Calkins: Willful intent to commit a criminal act.

Ms. Paula Clarke: I'm sorry. I didn't hear your statement.

Mr. Blaine Calkins: That would be obviously what the intent...of a criminal activity, generally speaking, which is where we should focus our efforts.

Mr. Glen Motz: I have a question for our legislative clerks.

Since the committee, in amendment CPC-2, has unanimously declared that this is not a gun registry, and there is a clause in which it looks as though it could be a gun registry, is that clause then in conflict with what we have already passed and therefore out of order?

The Chair: I am reliably advised that the passage of amendment CPC-2 does not, in effect, affect amendment CPC-23, and that both could stand independently, or one could stand independently.

● (1725)

Mr. Glen Motz: It's interesting then, notwithstanding what we've done in amendment CPC-2, that any substantive clauses that are really, in effect, a registry—because it still makes it a registry....

A voice: This is about transfers.

Mr. Glen Motz: Well, it does.

A voice: It's not about a registry.

Mr. Glen Motz: You have to understand the entire concept of a registry.

The Chair: I'm advised that the allocation of a registry number does not, therefore, make it a registry.

Mr. Blaine Calkins: Really?

The Chair: No, a transfer number: a transfer number does not make it a registry.

Mr. Glen Motz: Okay. Thank you.

With that statement, can one of the officials tell me who keeps the transfer number records?

Mr. Rob O'Reilly: The transfer number, as proposed under Bill C-71, would be kept in the Canadian firearms information system database, in a segregated database as part of CFIS.

Mr. Glen Motz: Right, which is a registry, and the registrar manages that. Correct?

Mr. Rob O'Reilly: Well, no, CFIS is an amalgam of databases and it contains licensing information. It contains registration information related to restricted and prohibited firearms. It's proposed that it contain a segregated database that would contain the data elements necessary for this particular element of the bill.

Mr. Glen Motz: What we're really doing is playing semantics.

That's just a statement as opposed to a question, Chair.

The Chair: Ms. Damoff, then Mr. Dubé.

Ms. Pam Damoff: I was listening to some of the questions being asked on the other side, and I have a simple question for Mr. Koops.

If a crime is committed with a firearm, does it enhance public safety if the police are able to catch the perpetrator?

Mr. Randall Koops: I would think so.

Ms. Pam Damoff: Thank you.

The Chair: Mr. Dubé is next.

Mr. Matthew Dubé: As I read this amendment, it actually deletes everything that prescribes the actual information that's collected. If anything, I think it actually gives more of an ability for the registrar to collect more information as opposed to the bill, as it's explained now, where it says the following:

> The transferee shall provide to the transferor the prescribed information that relates to the transferee's licence, for the purpose of enabling the transferor to request that the Registrar issue a reference number for the transfer.

That's information that's already being provided for the licence. This amendment deletes lines 3 to 19, replacing them with the wording that's there. It essentially would no longer have any prescriptive force over what is actually being provided for the sake of this transfer.

That's my reading of it, at least.

The Chair: Mr. Calkins.

Mr. Blaine Calkins: Well, I'm disturbed that.... The presumption in Ms. Damoff's question is that anybody whose name and licence are attached to a reference number is automatically going to be the perpetrator of the crime, which is the exact problem we're trying to exonerate law-abiding firearms owners from, the onerous aspect of having their personal information stored in a registry.

A registry is a database. A database is kept by having primary numbers, unique identifiers, in each table, otherwise known as a reference number or a primary key. This is very basic stuff for anybody who understands how a relational database works, unless this is an object-oriented database that the RCMP or the firearms centre is using, in which case we would have object IDs, which are completely different things.

To somehow suggest that this is not going to be...and you can't trace against something that doesn't exist. This is a registry by another name. It's simply a transactional one. I'm pleased that the NDP amendment has actually been moved, but we should be under no illusions about what this actually is.

● (1730)

Mr. Peter Fragiskatos: On a point of order, Mr. Chair, I'm biting my tongue here, but this point about the registry keeps coming up and keeps coming up. From a legal perspective, a registry has to be organized, maintained, and overseen by a central authority, in other words, a state, and we don't have that here.

So let's just talk about first principles, basic things. It is not a registry in any way, shape, or form.

The Chair: Hang on, Mr. Fragiskatos. First of all, that's not a point of order; it is a point of debate. Certainly, if you catch my eye, you're more than welcome to put your name down here.

Did you wish to amplify your point after your point of order?

Mr. Peter Fragiskatos: The point has been made.

The Chair: Then the next name I have down here is Mr. Paul-Hus.

[*Translation*]

Mr. Pierre Paul-Hus: Thank you, Mr. Chair.

After what Ms. Damoff said, and after Mr. Fragiskatos raised a point of order, even though there was no reason to do so, I would like to ask our officials a question.

Who records the reference numbers? Who is responsible for keeping them?

[*English*]

Mr. Rob O'Reilly: The requirement under the proposed legislation would be that the registrar of firearms, who currently manages that licence verification element for restricted and prohibited firearms, be responsible for the management of the information being collected.

[*Translation*]

Mr. Pierre Paul-Hus: I see.

It's the same word in French, "registraire". It means a person who manages a registry. The records are thus maintained by the registrar. So someone somewhere possesses the information—we can't deny it. You can call it what you will, a list, a database, or a registry, but the fact nevertheless remains that we are playing with words here. There is someone in an office who has a computer connected to the cloud or who records the information on a hard disk.

We aren't opposed to the point raised by Ms. Damoff concerning the traceability of crimes, but the fact nevertheless remains that the information is stored somewhere. This is therefore a registry.

From what my colleagues and I have understood, and based on the information Mr. O'Reilly is giving us, this contradicts amendment CPC-2, which carried unanimously, because the act will prohibit the creation of a registry. However, it is a registry. We have to stop playing with words.

[*English*]

The Chair: Mr. Motz.

Mr. Glen Motz: Although I would prefer not to give my friend, Mr. Fragiskatos, any more substance to his point of order which was ruled out of order, I will add this statement, and officials can correct me: Transfer numbers are managed by a registrar of firearms, who is responsible inside the Canadian firearms program, which is managed by the RCMP, which is then responsible and answerable directly to the Minister of Public Safety, which, the last time I checked, was the Government of Canada.

I'm just saying, if it smells like one, it probably is one.

The Chair: On that happy note, we'll vote on amendment CPC-23.

(Amendment CPC-23 negatived [See *Minutes of Proceedings*])

The Chair: It being 5:30, I propose a 15-minute break. Is that acceptable, Mr. Motz?

Mr. Glen Motz: Given that our officials are going to be here for the duration, can we suspend and let them have supper with us?

The Chair: That's the idea. All I'm asking is whether 15 minutes is okay.

Mr. Glen Motz: I don't want them to be choking on their food while we're talking.

The Chair: Well, I think they've probably been choking on some of your questions.

Mr. Glen Motz: I'm sure they have, as I've been choking on their answers.

The Chair: So that we don't have any gag reflexes going on here, I'll suspend for 15 minutes, knowing full well that people will probably come back in 20.

Thank you.

● (1735)

——— (Pause) ———

● (1750)

[*Translation*]

The Chair: We're back.

Mr. Paul-Hus, we are on amendment CPC-24.

Mr. Pierre Paul-Hus: Thank you, Mr. Chair.

This is somewhat along the same lines as amendment CPC-23.

Ultimately, if we want to be sure the registry is not reinstated, our amendment proposes a way to do it that would ensure that reference numbers are completely and safely erased. We think that would really help ensure that there is no record retention that would allow the registry to continue to exist. This is simply consistent with what we have been proposing for the past little while.

[*English*]

The Chair: Do you have any questions for the officials?

[*Translation*]

Mr. Pierre Paul-Hus: Yes. If no one has anything to say, I will continue.

Earlier we talked about maintaining the database. Do you have any idea of the extent of the costs involved from the moment the reference number system becomes functional? What would the personnel needs be to manage all that, and what would be the associated costs? We haven't discussed costs to date. I would recall that former Prime Minister Chrétien said at the time that it would cost $2 million, and it ultimately cost $2 billion.

In the case of the reference numbers and the retention of those records, do you have an idea how much that would cost?

[*English*]

Mr. Rob O'Reilly: I'm sorry. I don't have exact numbers in front of me.

I know that the elements of Bill C-71 that were being proposed were subject to an implementation plan that would put appropriate human and monetary resources in place. I believe the costing of that would be part of a future Treasury Board submission.

● (1755)

[*Translation*]

Mr. Pierre Paul-Hus: I see.

So you don't have that information, but do you think that it exists and that we can get it?

[*English*]

Mr. Rob O'Reilly: I don't know....

Mr. Randall Koops: I would say not yet. In the normal course of implementation, the government, after royal assent, begins to plan for the coming into force of the various provisions. Of course, we don't know in what final form the bill will be, so until the bill has actually been adopted by Parliament, it's premature to say that the act, after the passage of the bill, will require certain things to be done.

[*Translation*]

Mr. Pierre Paul-Hus: I can understand.

You always have to wait for all the details before you can come up with a final cost assessment. However, the fact remains that, when the legislation is developed, implementing a reference number system and the obligations imposed make it necessary to hire employees. I imagine some resource needs assessment has been conducted. If not a final assessment, has anyone at least done an initial assessment?

The government has decided on a date, June 30, 2018, when it will come into force, which means very soon.

[*English*]

The Chair: He is asking questions that are probably beyond your ability to respond. It's a legitimate question, but I don't see that you are able to respond to that.

Mr. Paul-Hus.

[*Translation*]

Mr. Pierre Paul-Hus: I understand, and I don't want to put you in a difficult situation either. You don't have the information, and I accept that.

That's also why we had asked for more meetings so we could delve a little more into the subject.

However, that's not at all your fault.

The purpose of amendment CPC-24 is really to ensure that the records are deleted when they are no longer necessary and to guarantee that that is done efficiently and safely.

[*English*]

The Chair: Mr. Motz.

Mr. Glen Motz: Thank you, Mr. Chair.

With regard to costs, if you don't know the numbers, Mr. Koops, would it be reasonable to assume then that they will appear in a departmental performance report at some point down the road?

Mr. Randall Koops: I couldn't speak to that, I'm afraid, sir. Sorry.

Mr. Glen Motz: Okay. That's not something that you prepare?

Mr. Randall Koops: Not me, no. Sorry.

Mr. Glen Motz: Okay.

Thank you.

The Chair: Ms. Dabrusin.

Ms. Julie Dabrusin: I'd like to jump in because we had PAL instructors here who talked about fraudulent licences. We heard evidence about the need to verify the validity of licences, so I'm having a hard time understanding why we're deviating from that point. It was PAL instructors who told us that, so I just want to get that on the record.

The Chair: We'll vote on amendment CPC-24.

(Amendment negatived [See *Minutes of Proceedings*])

The Chair: Next is amendment CPC-25.

[*Translation*]

Mr. Paul-Hus, you have the floor once again.

Mr. Pierre Paul-Hus: Thank you, Mr. Chair.

Amendment CPC-25 concerns a reference number validity period of which we don't see the point.

From the moment a reference number is issued, a transaction is imminent, regardless of whether it is conducted on the day or the next day. We don't understand why there is an expiry date for a reference number. The reference number is issued, and we don't see the need for an actual expiry date.

This may cause another problem. If, for reason *x*, the transaction is not completed on the day or the next day but at a later date because the person did not remember the expiry date, that will constitute an offence because the act prescribes a date.

In our opinion, from the moment the reference number is assigned, the transaction will normally be completed as soon as possible. However, if, for reason *x*, it is not completed as soon as possible, that could cause a problem.

I want to thank our friends at the end of the table for being here and for their efforts. I know it isn't easy for them, but they are essential to our work. Otherwise we would be talking in a void.

So I would ask you to explain that to me.

[*English*]

Mr. Randall Koops: The notion of the validity period is intended to prevent a situation where a reference number is issued concerning the licence of a purchaser where the purchaser, for whatever reason, no longer retains that licence eligibility, for example, if a person has had their licence rescinded or if they are subject to a prohibition order, or some such thing.

If a reference number were valid ad infinitum, there is a chance the licence could be suspended, revoked, or whatever during the period that the reference number was purporting to cover as being valid. Firearms regulations must be tabled in Parliament and available for scrutiny by committees of both Houses. By prescribing in regulation the validity period, the scheme ensures that a person with a reference number can transfer the sale of a firearm only within the reasonable period that the check covers the licence as being valid.

If we remember that there is no information being kept about the firearms involved in relation to the reference number—it is simply about the vendor and the purchaser—the reference number provides the vendor with proof that they have done their due diligence. However, that would have to be subject to some time limitation, lest we run the risk that the validity of the purchaser's licence changes, or expires, in the interim.

● (1800)

[*Translation*]

Mr. Pierre Paul-Hus: So there has to be a form of supervision for there to be some kind of control. There has to be a system that sends out a notification when a reference number is issued. The system expects to receive a transaction confirmation. Every time a reference number is issued, and since the number is only valid for a certain period of time, if the person does not conduct the transaction that same day, a signal will therefore have to be sent.

Mr. Randall Koops: That period will be prescribed in advance. In other words, even if there is a reference number, it will never be known whether the transfer was made. It may occur that you don't buy the firearm,

[*English*]

you change your mind , buyer's remorse, or whatever, or perhaps never entered into the purchase in the first place.

[*Translation*]

Mr. Pierre Paul-Hus: That's why we think it isn't logical to fix a validity date.

I understand what you said at the outset, but, from the moment the number is issued and no connection is made later on, what's the point in having a validity date for a reference number?

Mr. Randall Koops: The date is associated with no firearm whatever. The date is associated with the validity of a licence.

Mr. Pierre Paul-Hus: Yes, but the reference number is requested in order to conduct a transaction.

For example, if I want to sell my firearm to Mr. Calkins, I'll be asked for a reference number, won't I?

Mr. Randall Koops: Not necessarily. In fact, it could be in order to conduct several transactions or even none.

Mr. Pierre Paul-Hus: Hmm. Is that clear to everyone?

What do you say, Mr. Calkins?

[*English*]

Mr. Blaine Calkins: Thank you, Chair.

The Chair: I don't believe the chair has recognized you, Mr. Calkins.

Mr. Blaine Calkins: Yes. Thank you, Chair.

Let me get this correct. The validity of the reference number is for only a certain prescribed period. That prescribed period is what?

Mr. Randall Koops: It will be prescribed by regulation.

Mr. Blaine Calkins: It will be prescribed in the regulations. Do you have any idea of what that prescribed period might be? What would you be proposing to the minister upon the passage of Bill C-71? What would be the recommendation from the department to the minister for the prescribed period?

Mr. Randall Koops: At this point, I don't know.

Mr. Blaine Calkins: You haven't established that? Okay.

In the event that a transaction occurs, how are you going to close the loop if the reference number is granted to the seller to sell to an approved purchaser? How are you going to close that loop to make sure the transaction is actually done?

Mr. Randall Koops: The loop isn't closed if the transaction is actually done. It simply provides the vendor with a period of time in which they will be assured that the purchaser's licence is valid. On how that's done, perhaps my colleagues can say what they're thinking.

Mr. Rob O'Reilly: The period of validity related to the reference number is not tied to the firearms transaction itself but to the period of time by which we are saying that the licence is valid. As has been discussed earlier, there are circumstances that may bring an individual's licence into...whatever, or a licence may expire.

● (1805)

Mr. Blaine Calkins: Basically, the reference number is a permission slip per se for the transaction to go ahead for a prescribed amount of time. Is that correct? Am I understanding that right? I'm just putting it in layman's terms.

Mr. Randall Koops: In lay terms, it would be.... It provides the vendor with the assurance that the purchaser holds a valid licence to purchase. It's not related to an individual transaction that may then take place between them.

Mr. Blaine Calkins: The whole purpose of having the reference number is in order to trace it, because the argument has been made that we'll be able to trace.... If the loop's not closed and we don't know that an actual transaction of a firearm occurred.... That's what I'm hearing. I'm hearing that it's just the permission for a transaction to occur. It's not necessarily—

Mr. Randall Koops: Correct: there's no information collected about an individual firearm.

Mr. Blaine Calkins: Okay. That's fair enough. If there is no information collected about a firearm or if there is actually no assurance that in the issuance of a reference number a transaction actually occurred, how does that provide public value or a public safety value from a trace perspective when a firearm is found at a crime scene? How are you going to trace it? That's been the argument all along.

If at a crime scene you find a firearm with a serial number, and that's all you have, and you're telling me—and telling Canadians through me—that there is no firearm information actually transacted. You're telling me and Canadians that there is no closed loop that a transaction of a firearm actually occurred, yet somehow this is going to provide traceability that will add value to public safety. Can you please explain that to me?

Mr. Rob O'Reilly: I can explain it, sir.

It relates to the chain of custody, in the sense that if the firearm were found and a trace were initiated on that firearm that brought the firearm back to you, as being the lawful owner of that firearm—

Mr. Blaine Calkins: How would it, though, if the firearm information is not being kept?

Mr. Rob O'Reilly: Because the business record-keeping requirements that are also introduced in Bill C-71 would obligate businesses to record their first point of sale. The first point of sale, presumably, in the example I'm giving, would lead to you as the person who acquired that firearm from a vendor in Manitoba, for example.

You would then be able to say that you are the current owner of that firearm or to suggest that you transferred the firearm to somebody and in doing so verified their licence with the registrar of firearms. You would be able to have it confirmed by the existence of a reference number attached to your licence, indicating that, yes, you indeed did verify the licence at that period of time. Then it would allow the chain of custody to continue to the other person attached to that reference number, namely, presumably, the buyer of that firearm.

Mr. Blaine Calkins: Well, this is presuming much in terms of public safety. If the crime happened in British Columbia and the original point of sale for that firearm happened at a duck hunting store in Manitoba, and if there isn't a registry of this information, how would the officer know to go to that particular business to even find the records unless the information is provided to the chief firearms officer?

Now we get into the issue of warranted and unwarranted access or access without a warrant, which was not clear during the testimony that we heard. I'm still confused. It doesn't make any sense. If the reference number has nothing to do with the firearm transaction that happened at the business, unless we're keeping the information from the business.... Are we keeping the information with the reference number about the seller and the buyer?

Mr. Rob O'Reilly: No, we are not. Do you mean relating to the business and the business-keeping records?

Mr. Blaine Calkins: Yes.

Mr. Rob O'Reilly: No. The businesses themselves would be the custodians of those records.

Mr. Blaine Calkins: Now we're maintaining two registries. We're maintaining a transaction registry and, of course, the records of the store are a separate registry, that aren't actually linked together. That's supposed to provide traceability for public safety. That's what I'm hearing.

Okay, I don't have any other questions.

(Amendment negatived [See *Minutes of Proceedings*])

The Chair: We're now on CPC-26.

Mr. Motz.

Mr. Glen Motz: Thank you, chair.

This particular amendment suggests that everything after lines 10 to 12 on page 7 be removed, so it would read:

> The transferee shall provide to the transferor the prescribed information that relates to the transferee's licence.

This is similar to amendment CPC-21, in that it's unreasonable to subject law-abiding citizens, who are subject to criminal penalties and face sanctions under law and could be criminalized for failure to do the paperwork, to government technologies or paperwork work that, frankly, doesn't keep our communities any safer.

Thank you.

● (1810)

The Chair: Seeing no one wanting to debate, we'll vote on the amendment.

(Amendment negatived)

The Chair: Amendment CPC-27 is also in the name of Mr. Motz.

Mr. Glen Motz: This is pretty straightforward. In clause 5, it would delete lines 13 to 16 on page 7.

What we're removing is, "The Registrar shall issue a reference number if he or she is satisfied that a transferee holds and is still eligible to hold the licence authorizing them to acquire and possess a non-restricted firearm."

That is the proposed subsection that we are asking to be removed.

The Chair: Seeing no one wanting to debate, we'll vote on the amendment.

(Amendment negatived)

The Chair: Amendment CPC-28 is also in the name of Mr. Motz.

Mr. Glen Motz: This would amend line 17 on page 7. The words that are intended to be removed are:

> A reference number is valid for the prescribed period.

Again, it goes with the arguments that we have had all along. This reference number is akin to a registry and it does not enhance public safety.

The Chair: Seeing no one wanting to debate, we'll vote on the amendment.

(Amendment negatived)

The Chair: We are now on CPC-29.

Mr. Motz.

Mr. Glen Motz: Chair, this one is the same thing. Lines 18 and 19 would be removed with this amendment. The lines read:

> If the Registrar is not satisfied as set out in subsection (3), he or she may so inform the transferor.

It's redundant to have that in there if we don't have proposed subsection (3).

The Chair: Seeing no one wanting to debate, we'll vote on the amendment.

(Amendment negatived)

The Chair: We're on what we're calling amendment CPC-29.1, which is reference number 9923123, in the name of Monsieur Paul-Hus.

[*Translation*]

Mr. Pierre Paul-Hus: Thank you, Mr. Chair.

The purpose of this amendment is to require the registrar to inform the transferor if he refuses to provide a reference number. In its present form, Bill C-71 provides that the registrar may so inform the transferor. However, in amendment CPC-29.1, we propose to say that the registrar "must", not "may," so inform the transferor.

[*English*]

The Chair: Is there any debate?

[*Translation*]

Mr. Pierre Paul-Hus: I would like to ask the experts for their opinion. Does leaving the word "may" rather than replacing it with the word "must" make the intention too vague?

[*English*]

Mr. Randall Koops: I think, sir, I would suggest that it's not strictly necessary, because if the transferor does not receive a reference number, it will be obvious to the transferor that he or she is unable to complete the transfer. It is the giving of the reference number that provides to the transferor proof of the decision of the CFO that the licence is valid.

● (1815)

[*Translation*]

Mr. Pierre Paul-Hus: Yes, but the person selling the firearm may have to wait a long time for an answer if the registrar doesn't inform him of his refusal. The registrar must be required to provide a response. If it's positive, the transferor will know it, obviously, but that won't be the case if the response is negative.

Mr. Randall Koops: As provided in the bill, the fact that the person receives or doesn't receive a reference number will stand as a response.

Mr. Pierre Paul-Hus: What will the transferor do if there's no response? He might have to wait a long time without knowing why. He has to know. The transferor must be informed of a refusal on the registrar's part.

Everyone is happy if a reference number is requested and obtained, but, if the request is denied, the transferor isn't informed of that fact. The amendment is quite simple: its purpose is to ensure that the transferor is informed. The transferor must know, or else he'll have to wait a long time. I'm trying to understand how it would be logical not to accept our amendment.

I think it's simply logical to inform the transferor of the fact that the reference number has not been issued. If, upon verification, the registrar discovers that the potential buyer of a firearm is not eligible to purchase, he won't issue a reference number. That's how we proceed. However, the seller waits for a response. That's why we're asking that the act requires the registrar to inform the transferor if he refuses to do so. The registrar need not disclose the reasons for his refusal, which concern the potential purchaser, but he must at least inform the transferor that the transaction will not take place. Otherwise, the latter will be stuck in limbo. I would like to hear your opinion on that point.

Mr. Randall Koops: I don't want to try to convince you.

Mr. Pierre Paul-Hus: I'm trying to understand why we should proceed in this manner.

Mr. Randall Koops: I'd like to explain to you the nature of the impact that amendment would have in the context of Bill C-71 as currently drafted.

Mr. Pierre Paul-Hus: We are introducing an amendment because we think there could be a positive change, one that could improve matters. If our friends are in agreement, everyone will be happy.

Thank you.

[*English*]

The Chair: Mr. Motz.

Mr. Glen Motz: I'm curious with the way that language is currently in the act, that he may "inform the transferor".

Would we not potentially be putting someone who may not be able to acquire a firearm or transfer a firearm, as the case may be...? Are they going to violate the law because of it? If he doesn't tell them, how does that individual then go about knowing why he or she was rejected or turned down? How does that look? Without some parameters around the reason, you set someone up. We talked earlier today and on Tuesday about, well, there's always the avenue of a judicial appeal.

It would seem reasonable to the average Canadian to be given an explanation as to why someone, why the registrar in this circumstance, wasn't satisfied that the transfer was allowable, for example. I know it says "may". I'm curious to know why we would not consider that other language,"shall", that he has to.

Mr. Randall Koops: It would provide that the registrar could provide that information to the transferee, i.e., the person who wishes to purchase.

In a case where a transferee is attempting to purchase a firearm, and the transferor, that is the vendor, is unable to get a reference number confirming the validity of their licence, the purchaser, not the vendor, may then contact the Canadian firearms program and ask, "Why is the vendor not able to get a reference number for a transfer on my licence today?" That information, which could be personal information about the transferee, the buyer, goes to that person, and not to the vendor, the seller. The seller does not receive the reasoning behind a decision not to provide a reference number.

● (1820)

Mr. Glen Motz: That doesn't make any sense to me.

Mr. Randall Koops: Akin to other personal information that would be protected under the Privacy Act, as my Justice colleague reminds me, the person who has access to the reason is the owner or the subject of that personal information, not the other person involved in the transaction.

Mr. Glen Motz: That's not how I read subsection (5), unless I've misread it:

> If the Registrar is not satisfied as set out in subsection (3), he or she may so inform the transferor.

It's the person who is transferring, correct? It's the person who is transferring the firearm, not the one who is receiving.

Mr. Randall Koops: In subsection (5), it says, "If the Registrar is not satisfied as set out...he or she may so inform the transferor" that he is not satisfied; that is, there is no reference number.

That doesn't imply that the reason for that, or the personal information related to that about the purchaser, in turn can be shared with the transferor.

Mr. Blaine Calkins: I understand the privacy concerns, and the answer that you gave makes sense in that context, but help me if your reading of the bill and my reading of the bill are different. I see subsection (5), the transferee, through the attempt to purchase, would then require the transferor to seek authorization through the firearms centre, with the approval of a referenced number, the ability to lawfully transfer the firearm from the transferor to the transferee.

Subsection (5) here, says:

> If the Registrar is not satisfied as set out in subsection (3), he or she may so inform the transferor.

If they're not satisfied and they're not obligated to tell the transferor that they're not getting a reference number, is the transaction not left in limbo, or am I reading that wrong?

Ms. Nicole Robichaud: I don't think the transaction is necessarily left in limbo. I think there's a distinction between informing the transferor that they are not being issued a reference number and informing the transferor that they're not so satisfied with respect to the eligibility.

Rob could perhaps speak to operationally, but I don't—

Mr. Blaine Calkins: I'm reading this, and I understand where you're.... I'm reading this as:

> (5) If the Registrar is not satisfied as set out in subsection (3), he or she may so inform the transferor.

I think a yes or no is required to be given to the transferor as to whether or not the transaction can proceed with regard to validity. I'm not suggesting that a bunch of information as to why should be given to the transferor because that would violate privacy laws. That would be information, as you rightly pointed out, Mr. Koops, that should only be available to the transferee who initiated the purchase.

I am concerned that there might be.... Logic and business practices would predicate that you would provide an answer, a yes or a no, but I am not sure that the language here in the.... I just want to be clear that the language here is about that yes or no authorization. That's the way I am reading it, and if I'm reading it wrong, then I need to know why I'm reading it wrong.

Ms. Nicole Robichaud: Proposed subsection 23(5) wasn't intended to address the "Yes, we're issuing a reference number" or "No, we're not issuing a reference number". It was intended to ensure that there is authority should the registrar, or the people acting on behalf of the registrar, need to go a bit further and explain to the transferor that the registrar was not satisfied that the person was eligible. It was just intended to ensure that there is that statutory authority for the registrar to take that step beyond that.

Mr. Blaine Calkins: Are you telling me that I should be satisfied because the language in proposed subsection 23(3) says "shall"? It says "shall" only in the context of an affirmative. It doesn't say anything about "shall" in the context of a denial. Am I reading that wrong?

● (1825)

Ms. Nicole Robichaud: Proposed subsection 23(3), yes, requires the reference number to be issued if they're satisfied. It doesn't specifically address a situation—

Mr. Blaine Calkins: —where a reference number is denied.

Ms. Nicole Robichaud: —where a reference number is denied.

Mr. Blaine Calkins: Do you think there is an actual, potential issue here, or are you...?

I am concerned that there is a potential issue here. I don't know how big the issue could be, but I'm not convinced that the yes or no answer.... I'm convinced that the "yes" answer has to be provided with the reference number, but I'm not convinced that the "no" answer has to be provided.

If somebody could help me with that, I would like to get the language right.

Mr. Rob O'Reilly: Sir, if I can operationally explain.... The licence verification element exists today. Individuals can check the validity of a licence.

In doing so, the process generally assumes that both parties are present when that is occurring so that a person isn't just arbitrarily check the validity of somebody's licence. The process, when you would call the firearms program, would be first to confirm your identity. We want to be sure that we are actually speaking to you. Once we've done that, we would, if the buyer were present, ask to speak to the buyer and would confirm the licence information of the buyer. If the individual is, in fact, present and there was some reason why the reference number could not be issued, that information would be communicated directly to the buyer at that point, and he or she would take whatever action is necessary to correct the situation.

Mr. Blaine Calkins: So, you're saying that's the current practice.

Mr. Rob O'Reilly: That's the current practice because in most cases where we are doing licence verification, both parties tend to be present so that the seller has all of the related information because we don't just ask for the licence number of the buyer. We ask for the licence number. We ask for the date of birth. We ask for the expiry date of the licence. We ask for the version code. We want to actually ensure that the seller physically has the licence card of the buyer, or that the buyer is, in fact, right there and present.

In that situation, if we were not able to issue the reference number, we would simply communicate to the seller that the buyer needs to contact the chief firearms officer. If the buyer is, in fact, there, we would communicate it directly to him or her.

Mr. Blaine Calkins: It sounds like a lot of bureaucracy.

Mr. Rob O'Reilly: It works very well.

[*Translation*]

Mr. Pierre Paul-Hus: We have to look at things in context. Here we are examining and passing laws, but things are different in real life. That's the way it goes. A reference number is requested, and, if the two individuals are standing beside one another, they're told that the transaction is denied or authorized, and everything's fine.

Here's an example of a problem that might arise. Let's say I agree to sell Mr. Berthold my firearm for $1,000. He's happy, and I am too because I'll be $1,000 richer. We've reached an agreement. He subsequently tells me that the transaction has been declined. No one has informed me of that fact, and I don't believe him. So there could be a conflict. I might think he's telling me that because he may no longer want to buy my firearm. If the registrar, a person in a position of authority, had informed me that the transaction was declined and that no reference number was issued, I would nevertheless have received confirmation. However, according to the current provision of the bill, Mr. Berthold would be responsible for telling me that it was declined, without anyone confirming it for me. I might doubt his word and think he has changed his mind, which could cause conflict.

I would like my colleagues on the other side of the table to listen because I get the impression I'm speaking in a vacuum. If that's the case, let's go away and come back next week.

It's in the public interest to clearly understand what I have just raised. A single word could cause conflict. If the registrar informed me that the transaction had been denied, I would understand, but, it was the buyer who told me that, I might not believe him, and there could be conflict. That's the point I want to make. I'm not asking you for your opinion since you've already expressed it.

I'm done, Mr. Chair.

[*English*]

The Chair: It's a good thing that you're not asking for my opinion.

We'll vote on amendment CPC-29.1, reference 9923123.

(Amendment negatived [See *Minutes of Proceedings*])

The Chair: Next is amendment CPC-30.

● (1830)

[*Translation*]

Mr. Paul-Hus, we are listening.

Mr. Pierre Paul-Hus: Thank you, Mr. Chair.

This amendment will be along the same lines as the one concerned by the discussions—or monologues—we've been conducting for a few hours now.

We should adopt this amendment if we really want to ensure that there is no registry. Its purpose is to ensure that the registrar cannot keep issued reference numbers. This is related to what we've been discussing for some time.

It is clear from the information we have obtained from our representatives that there would be a kind of registration. We simply want to ensure that the registrar can't keep a record of those numbers.

[*English*]

The Chair: We will have a recorded vote on amendment CPC-30.

(Amendment negatived: nays 6; yeas 3 [See *Minutes of Proceedings*])

The Chair: Shall clause 5 carry as amended?

(Clause 5 as amended agreed to)

(Clause 6 agreed to)

(On clause 7)

The Chair: We're now on to CPC-31, which I think is redundant.

[*Translation*]

Mr. Pierre Paul-Hus: I request a recorded vote on clause 5.

[*English*]

The Chair: It's already carried.

Mr. Blaine Calkins: Mr. Chair, you have to [*Inaudible—Editor*] to actually intervene and request a roll call.

The Chair: We went from the defeat of CPC-30, and then I asked shall clause 5 carry as amended. No one indicated anything to me.

Mr. Blaine Calkins: If I may, Mr. Chair, you and I are anglophones. My colleague, who respectfully asked for a recorded division, is a francophone. He has to wait until translation is finished in order for him to intervene. I don't believe objectively that he was given that amount of time to hear the translation and then voice his concern.

The Chair: Objectively or not objectively, it's a valid point that he did make earlier on about the time delay between translation from one language to the other language. I have some sympathy for that, so in the spirit of collegiality, you want a recorded vote on clause 5, which I suspect will have a similar outcome to the previous vote.

(Clause 5 as amended agreed to: yeas 6; nays 3)

(Clause 6 agreed to)

(On clause 7)

The Chair: On amendment CPC-31, with the passage of amendment CPC-2, I am advised that amendment CPC-31 is now redundant because it essentially says the same thing. If CPC-31 is redundant, we go directly to amendment CPC-32.

Mr. Paul-Hus, on amendment CPC-32, go ahead, *s'il vous plaît*.

● (1835)

[*Translation*]

Mr. Pierre Paul-Hus: This amendment concerns the information that businesses must keep. We recommend that the retention period be 10 years instead of 20 years. We believe that a 20-year period is far too long for a business. It is also not a normal practice. Business owners would be asked to have all systems in place for 20 years, whereas technologies change. A 10-year period is more than enough in the circumstances.

[*English*]

The Chair: Mr. Berthold, welcome to the committee.

[*Translation*]

Mr. Luc Berthold (Mégantic—L'Érable, CPC): Thank you very much, Mr. Chair. I won't be here for very long.

I was asking myself the same kind of question concerning the 20-year retention period. How can we ask a business to keep records for such a long period of time given the way technologies evolve?

I had a technology-related problem. Even the hard disks that you buy in the stores only last 20 years. I'd like to know if we would be imposing penalties on people who could not keep these records as a result of equipment breakdowns or other similar problems. How can small businesses in particular manage this kind of request to store records a for 20 years when the technology can't preserve them for that length of time.

Mr. Randall Koops: Yes, the international standard for keeping records is at least 20 years. The United States requires 20 years, and the same period is proposed in Bill C-71.

Mr. Luc Berthold: Who is responsible for storing records?

Mr. Randall Koops: The business is responsible for storing them.

Mr. Luc Berthold: If the business can't rely on its electronic equipment to store records, it must keep paper records. That's its responsibility, regardless of the means it must use. Is that it?

Mr. Randall Koops: That's it.

Mr. Luc Berthold: I see. Thank you.

[*English*]

The Chair: Seeing no further debate on amendment CPC-32, we'll go to the vote.

(Amendment negatived [See *Minutes of Proceedings*])

The Chair: We're on amendment CPC-33 in the name of Mr. Motz.

I'm assuming someone will move Mr. Motz's CPC-33.

Mr. Blaine Calkins: I so move.

The Chair: Is there debate?

Those in favour?

Mr. Blaine Calkins: I raised my hand for debate, Mr. Chair.

The Chair: I'm sorry, I thought you were voting.

Mr. Blaine Calkins: Fair enough. We're both forgiven, if that's okay.

The Chair: Mutual forgiveness is always a good idea.

Mr. Blaine Calkins: This was introduced by my colleague, Mr. Motz:

> That Bill C-71, in Clause 7, be amended by replacing lines 5 to 8 on page 8 with the following:
>
> (b) the business must record and keep the following information

Basically what we're trying to do here is replace the current language proposed by the government. The government has made the case many times that this is not a registry, that it is a database of transactions through their office of the registrar. Now we have a database being kept in a distributed format at places of business. Should that place of business fold or cease its operations and not pass on that information, then it is passed on to the government for keeping.

In an effort to be consistent with the government claims that there isn't actually a registry of firearms, whether it's transactional or otherwise, I would suggest that we adopt the amendment by my colleague from Medicine Hat—Cardston—Warner so that we can have greater certainty that these records will not not cause any of the following three results: one, consternation for law-abiding firearms owners who do not wish to have the information about the firearms that they may or may not have in their possession getting into the wrong hands; two, as we've already seen with the previous registry that happened a long time ago through Bill C-68, the potential for escalating costs; and three, as has been suggested here through a number of questions I have asked, little or no increase in public safety.

I urge my colleagues here at the committee to adopt the motion.

● (1840)

The Chair: Seeing no one wanting to debate, we'll vote on the amendment.

(Amendment negatived)

The Chair: On amendment CPC-34, Mr. Paul-Hus.

[*Translation*]

Mr. Pierre Paul-Hus: Thank you, Mr. Chair.

The maximum records storage period is now 20 years, after which the records must be destroyed. Business owners therefore don't feel obliged to retain all records.

Mr. O'Reilly or Mr. Koops, is that consistent with what's done in the United States? Is it a logical length of time?

[*English*]

Mr. Rob O'Reilly: Sorry, I know the question was directed to me, but I'm not aware of the practices in the United States.

[*Translation*]

Mr. Pierre Paul-Hus: And yet someone referred to the American procedure—it may have been Mr. Koops. So it's a 20-year period in the United States. Is that correct?

Mr. Randall Koops: It's 20 years in the United States.

Mr. Pierre Paul-Hus: Are records stored for more than 20 years, or can businesses destroy them after 20 years?

Mr. Randall Koops: As it's worded in the standard, it's a period of 20 years.

Mr. Pierre Paul-Hus: Is that the minimum period?

Mr. Randall Koops: Yes, but the Governor in Council may require that the period be longer.

[*English*]

I'm sorry, but I'm going to speak in English to be more precise.

If Canada wishes to enter into certain international treaties that relate to the retention of firearms data, the Governor in Council would have the ability to prescribe a longer period.

[*Translation*]

Mr. Pierre Paul-Hus: Thank you.

[*English*]

The Chair: Mr. Calkins.

Mr. Blaine Calkins: Thank you, Chair.

If that's the rationale that's being used to justify that particular clause, correct me if I'm wrong, but in virtually every case that I'm aware of, over the years I've been here, of Canada entering into an international treaty, virtually every international treaty has required an act of Parliament in order for the ratification of and accession to that treaty. That's how things like the United Nations work. They adopt an overarching treaty, and each member country then has to go back and go through that process, which generally requires legislative accession. Why would we need to put in legislation now a clause that gives that flexibility? If a treaty went beyond the scope of 20 years, why wouldn't we want to give parliamentarians of the day an opportunity to debate that and see if it's worth it at that particular point in time?

This isn't a question for you guys. This is a question for my colleagues across the way. I would hope that somebody over there could explain that to me. If that needed to be changed legislatively because of Canada's accession to a treaty that's unsupposed at this particular point in time, why wouldn't we let the parliament of the day determine that legislatively and make the amendment then?

To the witnesses who are here right now, are there any treaties that we are currently going through the process of for which this particular amendment was put in place in anticipation of?

The Chair: Mr. Koops.

Mr. Randall Koops: You're quite correct, of course, that it would be for Parliament to pass whatever legislation is required to enter into or to bring a treaty into force. It is not uncommon in legislation that regulatory changes are required when a treaty is brought into force and that those are foreseen at the time the legislation is passed.

In answer to your question about whether parliamentarians get the final say on that, this regulation, like others under the Firearms Act, does require tabling in both houses of Parliament, and is therefore available for scrutiny by committees of both houses. That's a requirement of regulations made pursuant to the Firearms Act.

● (1845)

Mr. Blaine Calkins: Of course, when legislation to adopt a treaty, ratify a treaty, accede to a treaty is put before both houses, any amendments to the Firearms Act that need to be made to accommodate those changes at that time could also be done at that time.

My question for you, Mr. Koops, or for anybody who's here, is this. Is there currently a treaty that is in the process of being negotiated where legislation might be forthcoming before this House that we as parliamentarians ought to be aware of?

I would suggest to my colleagues across the way that this isn't necessary as part of the legislation right now. If we go through the accession process to another treaty, this legislation could be changed at that particular point in time, and that debate should be allowed before the parliamentarians in both houses at that time. What we're doing right now is predetermining, in my opinion, the accession to a future treaty, whatever that happens to be, and making the decision for the parliamentarians of that day.

I don't see any colleagues across the way willing to engage me in debate on this. That's fine. But I still do have my outstanding question for the witnesses.

Are you guys aware of any current treaty or treaties where we're going through that process for which this clause would need to be here now?

Mr. Randall Koops: I know that Canada has signed but not ratified one of those treaties. It's known as CIFTA. If you could bear with us for a moment, I could get the full title from one of my colleagues, who's sitting behind us.

Mr. Blaine Calkins: Is there anything in that treaty that would suggest we need to store records for more than 20 years?

Mr. Randall Koops: I believe CIFTA would require a longer retention period for firearms data, consistent with international norms.

Mr. Blaine Calkins: What would that number be?

Mr. Randall Koops: I'm not certain, sir.

Mr. Blaine Calkins: Mr. Chair, I'd like to suspend the meeting until the officials have an opportunity to provide this committee with that information.

The Chair: I'm not convinced that it's actually necessary.

Mr. Blaine Calkins: I'm asking. I'm not demanding.

The Chair: You're asking, and I am not going to accede to your request.

Mr. Blaine Calkins: Mr. Chair, I appreciate the fact that you at least acknowledged my request.

Mr. Koops, is there a way for us to get that information while we're continuing on here? Can you ask some of your subordinates who might be able to find that information to get back to the committee, at least during the testimony here, before we adjourn the debate on this bill?

Mr. Randall Koops: Sure. It's beyond the scope of our usual activity—

Mr. Blaine Calkins: Agreed.

Mr. Randall Koops: —in the realm of international trade negotiation, but I can see what we can find out for you, sir.

Mr. Blaine Calkins: Thank you.

The Chair: Are there any other interventions?

[*Translation*]

Mr. Luc Berthold: Mr. Chair, with your permission, I would like to add something.

In view of the information Mr. Koops has just provided us, I'm not asking that we adjourn the meeting, but could we postpone adoption of this clause until we know whether we can obtain a copy of the information? This is important. If we know that a treaty already requires a period of 30 or 35 years, that will have a major influence on our preparation for adoption of this clause of the bill.

I ask you this in passing, but I assure you of my full cooperation. Postponing this does not require a major effort on the committee's part. We should at least obtain an answer from officials as to whether we can get that information.

[*English*]

The Chair: Ms. Damoff.

Ms. Pam Damoff: It stands for the Canada-Israel Free Trade Agreement.

The Chair: Is that the answer?

Ms. Pam Damoff: They were wondering what CIFTA was. That's what it is. The reason this is in here is to curtail firearms trafficking. I'd be surprised if the Conservatives would support anything that would allow more firearms trafficking, but the free trade agreement is the Canada-Israel Free Trade Agreement.

[*Translation*]

Mr. Luc Berthold: Mr. Chair, the purpose of the question was solely to ascertain whether the agreement would help determine the period of time for which records must be kept.

The only answer I was waiting for from officials was whether we could have access to that information before voting on this clause. As I am new to the committee and am merely passing through, I won't make a big deal out of this. It's just a question.

● (1850)

[*English*]

The Chair: It's very difficult to ruffle feathers in this committee.

The officials have undertaken to provide the information. I don't actually think it impacts on the intentionality with respect to the voting. Therefore, unless there's other debate, I'm going to call the question.

We'll have a recorded vote.

(Amendment negatived: nays 6; yeas 3 [See *Minutes of Proceedings*])

The Chair: We're moving on to CPC-35.

[*Translation*]

Mr. Pierre Paul-Hus: Mr. Chair, I withdraw amendment CPC-35.

[*English*]

The Chair: It's withdrawn. It's not moved, actually.

Next is CPC-35.1 in the name of Mr. Calkins.

Mr. Blaine Calkins: Thank you, Chair. I would like to move my amendment and debate it. I'm assuming I have the floor.

Mr. Chair, this amendment proposes a similar change, namely that Bill C-71, in clause 7, be amended by replacing line 23 on page 8 with "in the circumstances that may be prescribed or seven years after the records were transmitted to them, whichever is earlier."

I'm proposing this because notwithstanding the evidence that we've heard here today about what might be a norm, my concerns are now exacerbated by the understanding that there is a proviso in the legislation that allows for an automatic extension of the 20-year period to something larger as a result of Canada assenting to the international trade agreement that was brought to my attention just now, which is CIFTA. Without knowing what that prescribed period or timeline actually is, the record-keeping norms we have in Canada would suggest a keeping of the records for seven years, which is how long we have to keep tax information and all other manner of documentation in terms of government record-keeping.

Notwithstanding virtually every rationale that a firearms vendor would have on behalf of whoever the supplier or the original manufacturer might be, I'm not aware of any reason to go beyond seven years for conditions of warranty or what have you. That is the normal reason for a vendor to keep that information on behalf of the manufacturer, in case there is a warranty issue, not particularly because it's a public safety concern.

Given the fact that the previous motion to reduce the 20 years down to 10 was defeated, and that the motion to get rid of the clause that would allow anybody to extend the 20-year period was defeated as well, I don't hold out much hope for this one, but I'd like to move it nonetheless.

The Chair: So moved.

(Amendment negatived)

The Chair: We are on amendment CPC-36.

[*Translation*]

Mr. Paul-Hus, go ahead, please.

Mr. Pierre Paul-Hus: I'm going to withdraw this amendment.

[*English*]

The Chair: Thank you.

Amendment CPC-37 is identical. If you've taken out amendment CPC-36, then you also take out CPC-37.

[*Translation*]

Mr. Pierre Paul-Hus: It's not the same thing at all.

[*English*]

The Chair: I apologize. I assumed because he was withdrawing it, then he was.... Okay.

That was my error, Mr. Paul-Hus, and therefore amendment CPC-37 is on the floor.

● (1855)

[*Translation*]

Mr. Pierre Paul-Hus: Thank you.

There will be a bit of work to do on amendment CPC-37. We'll have to discuss its objective in particular. We also feel there are some translation problems.

First, the objective is to protect records in order to protect citizens. In our view, an inspector may not simply enter a business and access records without a warrant. The idea is, above all, to protect citizens, in view of the fact that there is purportedly no registry. We do not see why an inspector can simply enter a business without a warrant justifying his doing so. Furthermore, we are talking here about a private business. The government has decided to require that private businesses maintain the registry. However, business owners are not required to receive these impromptu visits or to provide access to all their information, particularly since they are not paid to do so.

I would like to hear the opinions of the experts here on access to information and on how to proceed. We are talking here about private sector business owners who have an obligation to keep records without being compensated.

Do they have a right to ask that inspectors have warrants if they wish to access their computers and information?

That may be a question for the people from the Department of Justice.

[*English*]

The Chair: They're just deciding who's going to respond.

Go ahead.

Ms. Paula Clarke: There's nothing in the bill that would create any new investigative powers for law enforcement, so while they may attend a business if they had suspicions or were investigating a crime, that's fine, but it doesn't require that the business owner answer any questions. The normal procedures that take place for law enforcement or a police investigation would remain the same.

[*Translation*]

Mr. Pierre Paul-Hus: It's not clear in the bill either, and that's why we're introducing an amendment. For the moment, there's no protection for business owners or the records they keep. Inspectors may enter a business without a warrant. Nowhere is it mentioned that they must have one. The purpose of our amendment is to clarify that. Otherwise, there is no protection.

[*English*]

Ms. Nicole Robichaud: I'll just clarify. There is an inspection scheme in the Firearms Act, which is similar to inspection schemes in other legislation. Regulatory inspection schemes operate under a framework that is different from that which police investigating criminality operate under, for which the high thresholds of a warrant apply. For a regulatory inspection scheme, typically if it's just for a business, you would not require a warrant because the expectation of privacy is lower. You'll see in the Firearms Act that if a firearms inspector is going to enter a home, then in that circumstance there will be a warrant. This would be typical of other regulatory inspection schemes in other legislation.

[*Translation*]

Mr. Pierre Paul-Hus: So you're telling me it's already provided in the Firearms Act. An owner who has new obligations under Bill C-71 is automatically protected by the Firearms Act.

Are you confirming that for me?

[*English*]

Ms. Nicole Robichaud: Section 102 is an inspections power under the act and there is a specific provision, section 104, that deals with inspection of dwelling houses that would require a warrant to inspect a dwelling house. A warrant is not required to inspect a business.

[*Translation*]

Mr. Pierre Paul-Hus: In fact, we need clarification on section 102. That's the purpose of this amendment.

This is currently unclear, as are several other points. We are therefore seeking assurances that there is no more vagueness and that this is clear. We are asking that an inspector be required to have a warrant.

Is that legitimate?

● (1900)

[*English*]

Mr. Rob O'Reilly: In reference to section 102, if you look at the definition of an inspector under section 101, it is a firearms officer. Section 102 is just to ensure compliance with the record-keeping requirements.

What you are talking about in terms of inspection of the records for the purposes of law enforcement is not touched by this particular portion, so section 102 would simply be a firearms officer going in to confirm that the records are being kept as per the requirements of the act.

[*Translation*]

Mr. Pierre Paul-Hus: There are probably some translation problems, but I think this is a firearms inspector, not a police officer. We were actually talking about an inspector. We therefore want there to be an obligation for an inspector to obtain a warrant before intervening. The retailer owns a private business; he is someone who has an obligation to keep records.

With respect to privacy, we request that this action be carried out with a warrant. Section 102 exists, but it is not clear in this area.

[*English*]

The Chair: Thank you.

Seeing no one wanting to debate, we'll vote on the amendment.

(Amendment negatived)

The Chair: I don't believe there are any other amendments to clause 7.

Shall clause 7 carry?

[*Translation*]

Mr. Pierre Paul-Hus: Mr. Chair, I request a recorded vote.

[*English*]

The Chair: We will have a recorded vote.

(Clause 7 agreed to: yeas 6; nays 3)

(Clauses 8 and 9 agreed to)

The Chair: Before we debate LIB-3, which is a new clause, we have a ruling from the chair.

The amendment seeks to create a new reconsideration process for decisions to revoke or to refuse to issue a licence registration certificate or authorization. According to *House of Commons Procedure and Practice*, Third Edition, page 770, "An amendment to a bill that was referred to a committee after second reading is out of order if it is beyond the scope and principle of the bill."

In the opinion of the chair, the reconsideration process introduces a new concept that is beyond the scope of the bill. Therefore, I rule it inadmissible.

We have a consequential ruling to LIB-4 as well.

Mr. Blaine Calkins: I disagree.

May I, Mr. Chair?

The Chair: I don't know that that's actually debatable.

Mr. Blaine Calkins: Can I have the floor, Mr. Chair?

The Chair: You can have the floor. I don't know whether having the floor actually constitutes debate. The ruling is the ruling and at the end of the day, the only recourse is a challenge to the chair.

Go ahead, because I'm such a generous and warm-hearted chair that I'm perfectly willing to hear what you might comment.

Mr. Blaine Calkins: Thank you, Mr. Chair, and I'll likely get to that after I go through my thoughts on this.

This amendment is put forward by a rural Liberal MP who won his seat by a handful of votes and understands the travesty of justice that Bill C-71 poses for law-abiding firearms owners. He is seeking protection and amelioration for himself and some of his colleagues for what he knows is coming once this law is passed.

It's unfortunate that he's not here to present the motion himself tonight. On his behalf, I would like to challenge your ruling, Mr. Chair, because I don't believe this is beyond the scope. It fits in nicely with everything that we're discussing, which is licensing provisions and transaction provisions for the transfer of firearms between one licence-holder and another. This is paramount. The fact that this Bill C-71 changes how licences can be granted is certainly within the scope of this legislation.

Therefore, I believe that Mr. Bossio's addition through this amendment, which also changes how licence rejections can be appealed, is in order and should be allowed to be debated before this House. I would like the opportunity to do so and the only means I have is to challenge your ruling.

● (1905)

The Chair: Thank you, Mr. Calkins, and I'm questioning my generosity at this moment.

Mr. Blaine Calkins: I would like a recorded vote.

The Chair: Shall the ruling of the chair be sustained?

(Ruling of the chair sustained: yeas 6; nays 3)

The Chair: As a consequence of the challenge of the chair being sustained, LIB-4 also is beyond the scope.

(On clause 10)

The Chair: We therefore move to CPC-38, standing in the name of Monsieur Paul-Hus.

[*Translation*]

Mr. Pierre Paul-Hus: Thank you, Mr. Chair.

As regards amendment CPC-38, section 101 of the Criminal Code is very clear: it is already an indictable offence to sell a firearm to someone who does not hold a licence.

As the Criminal Lawyers' Association has said, this provision merely adds a criminal liability threat if two individuals authorized both to possess and acquire firearms fail to inform the government of their lawful transactions.

What additional safeguard will this provision achieve for Canadians? Does someone think that gangs that buy illegal firearms concealed in trunks of cars will stop to get a reference number before conducting the transactions? That's absurd.

Perhaps it's more like the statement made in the House of Commons by Mr. Holland, who said that people who had authorizations to transport were thugs who travel around a million places. I know that Mr. Holland got a lot of coverage in the firearms community following that comment, and I accept his statement that there was some misunderstanding.

However, let's be clear: the only people with firearms who can be called thugs are those who don't have licences to acquire firearms, and absolutely nothing in the bill concerns them, despite what the experts in the Prime Minister's cabinet may tell us.

That's why this is amendment is so important. Instead of devoting government resources to telling law-abiding firearms owners what they already know, namely that they are law-abiding firearms owners, we could use those resources to target thugs and criminals.

[*English*]

The Chair: Mr. Calkins, do you want to comment?

(Amendment negatived [See *Minutes of Proceedings*])

The Chair: We're now on CPC-39.

[*Translation*]

Once again, I turn the floor over to Mr. Paul-Hus.

Mr. Pierre Paul-Hus: What amendment are we discussing? Wasn't there another one before that?

[*English*]

The Chair: It is amendment CPC-39.

You just dealt with amendment CPC-38.

[*Translation*]

Mr. Pierre Paul-Hus: These are relatively the same arguments as those I just advanced concerning amendment CPC-38. Once again, this concerns the form of the registry that is imposed, but it's slightly less rigid than amendment CPC-38. Amendment CPC-39 affords more flexibility.

I hope this will be perceived in the same way by my colleagues on the other side, who seem to be very interested.

● (1910)

[*English*]

The Chair: Is there any debate?

(Amendment negatived [See *Minutes of Proceedings*])

The Chair: Amendment CPC-40 is apparently the same as amendment CPC-39, so amendment CPC-40 cannot be moved.

Amendment CPC-40.1 was reference number 9928789. We already made the original ruling back under CPC-15 that it was ruled out of order for vagueness.

(Clause 10 agreed to: yeas 6; nays 3 [See *Minutes of Proceedings*])

(Clause 11 agreed to on division [See *Minutes of Proceedings*])

The Chair: There are no amendments to clause 12.

We're on amendment CPC-40.2, reference 9927639, in the name of Mr. Calkins.

I would just make the observation—I'm not going to rule against it—that there's, borderline, a scope issue, but beyond that, you've moved it and we'll let it stand.

Mr. Blaine Calkins: Thank you, Chair.

One of the things this committee heard about, particularly in the testimony of Dr. Gary Mauser, Professor Emeritus, is the fact that in the past this bill has created a lot of paper criminals. This is a long-standing frustration of law-abiding firearms owners. This is actually why they're so up in arms and incensed with Bill C-71. Again, they feel that it is an attack on the law-abiding citizen rather than an actual focus on going after criminals, organized crime, contraband, and all of those things.

As Mr. Mauser pointed out in his testimony when he appeared before the committee, on average there are about 15,000 firearms charges and subsequent other Criminal Code charges that are laid as a result of these particular issues, so what I'm proposing—and I'm hoping my colleagues will see it—is that in the event that somebody finds themself offside with the law in the sense that it's only a paper crime for which there is actually no victim.... For example, a police officer goes to a house for an unrelated reason, sees a firearm that's not being properly stored, and lays a charge in accordance with the Criminal Code or the Firearms Act, when there is no victim.

We can have a debate or argue all the time about whether or not public safety is actually served by that, but I would appeal to the angels in the room. If we actually don't have a victim, we shouldn't be sending people to jail. We have enough people in this country who are committing crimes for which there are plenty of victims and for whom the rationale of giving them light sentences, parole, or bail is that we don't have incarceration space for them. That is a reality.

I'm proposing this amendment so that it can give at least some assurance to law-abiding firearms owners who, through something that might have happened inadvertently or a result of a misunderstanding of the legislation or what have you, find themselves.... Unless we actually have a victim or somebody who is harmed as a result of a violation of this act, we shouldn't be sending people to jail.

I'm moving this and hoping that the folks in the room see its reasonableness. This is a reasonable amendment. I'm all for cracking down on actual perpetrators, on people who actually commit offences and have the intention to either deprive people of their property or commit harm to another person, but for those who don't do that, I want to give them at least some small victory. The fact is that Bill C-71 is going to pass, much to their concern. I'm hoping that we can give them this victory, Mr. Chair. I think this is beyond reasonable, and it shouldn't be a partisan issue at the table.

● (1915)

The Chair: Mr. Motz.

Mr. Glen Motz: Thank you, Chair.

I want to applaud my colleague for presenting this amendment, because I think it speaks to where we find ourselves with the majority—97.3% of gun owners, based on the statistics—who have never committed a crime with their firearm. Because of a paper error, we potentially are going to create for them criminal records.

If public safety is the ultimate goal of Bill C-71, which we are told repeatedly that it is, then it would be reasonable to accept this amendment for an individual who has committed an infraction of which they are unaware, as we have said before, with respect to a paper infraction.

I can tell you from my experience in my previous life that when you come across someone who has committed a minor offence—a bylaw offence, a minor Criminal Code offence, a traffic infraction, anything—and they actually don't know that what they've done is wrong—

Ms. Julie Dabrusin: They should.

Mr. Glen Motz: They don't. They should.

I'll get into a debate sometime, Julie, about some of the things you may not be aware of that are going on in your community and are offences. You may not be aware of it—

Ms. Julie Dabrusin: But I don't have a firearm with me.

Mr. Glen Motz: Yes, but that isn't the issue here. The issue is that they haven't committed an offence with a firearm. They're not a threat to public safety. They're not going to be. They never will be, yet we're suggesting that we will criminalize them.

When you see those individuals, and you watch them.... If the police continue to proceed through the justice system, many times the courts will toss it. When they toss that, in this circumstance, because they have been charged with an offence under the Criminal Code or the Firearms Act, that, in all likelihood, will prevent them from continuing to have a licence and from continuing on with their hobby or whatever it is that they may do.

What I'd like to ask the officials is if they see this amendment as creating such an egregious affront to public safety that it would not make sense to proceed.

Mr. Randall Koops: Sir, if I read your amendment correctly—and I'm open to correction if I don't—the offences that it would propose there be no punishment for include "false statements to procure licences", "false statements to procure customs confirmations"—so, importing or trafficking—"tampering with licences", "unauthorized possession of ammunition", "non-compliance with [a] demand to produce [a] firearm", and "contravention of conditions of licences", as well, with regard to section 103, failing to comply with the "duty to assist inspectors", which from our reading would go to the heart of the public safety provisions of the Firearms Act.

● (1920)

Mr. Glen Motz: With regard to the ones you've read there, I would agree, but I think there is a multitude of other types of offences that could possibly occur under the particular intent of this amendment.

Mr. Randall Koops: Indeed, although, as we read the amendment as proposed, those are the offences that it would exempt from punishment.

Mr. Glen Motz: If you read the amendment, it is not that they do not face any criminal sanction. It's that they don't go to jail for some of the more minor paper offences. Just like we are seeing—and this is not your issue, although you're public safety, so it might, and we're justice—with Bill C-75 and some of the current serious indictable offences that are going to be reduced, that sanction could be a fine. That's what this is saying: that there's no jail time for some of these minor paper offences.

Mr. Randall Koops: Although, as we read it, the offences enumerated here include trafficking in firearms.

Mr. Glen Motz: That's not a minor firearms offence—

Mr. Randall Koops: Correct.

Mr. Glen Motz: —so that doesn't apply to this particular amendment.

Mr. Blaine Calkins: All those things mentioned, the false documents and so on, also pertain to Criminal Code offences, where they would be more properly actually charged. Being complicit in organized crime and so on would likely end up in a Criminal Code charge, not a Firearms Act charge. However, your point is taken.

The Chair: Do you still wish to have a vote on this?

Ms. Pam Damoff: Mr. Chair, could we have a recorded vote on CPC-40.2?

(Amendment negatived: nays 6; yeas 3 [See *Minutes of Proceedings*])

(On clause 13)

The Chair: We're now onto CPC-42.

Monsieur Paul-Hus, go ahead.

[*Translation*]

Mr. Pierre Paul-Hus: Thank you for your kindness, Mr. Chair.

Amendment CPC-42 aims to preclude the possibility for the Governor in Council to make regulations for the provision of information by the transferor, the transferee, and the registrar for the purpose of issuing a reference number.

We feel that firearms owners in Canada are already the Canadians whose behaviour is most highly scrutinized and who are subject to the most verifications.

If we trust them enough to allow them to have firearms in their homes, why create this security theatre, as the Criminal Lawyers' Association has called it? Why create an even larger bubble around subsequent firearms purchases?

The public safety benefits of this kind of measure are very limited. It must be said that people who commit crimes do not buy their firearms at Cabela's or at Firearms Outlet Canada in Ajax, for example. They get them illegally.

All this measure does is encourage those who have limited knowledge of how the firearms authorization process works, and who suppose that we are like Americans, to think that we're doing the same thing.

Once again, this is consistent with the logic of this bill as a whole. An attempt is being made to scare people and make them believe that it's like the United States here: it's the far west. However, Canada is one of the countries with the highest level of firearms control.

I repeat that it is the criminals who are the problem. There are already enough constraints and verifications. There is no need to add more. That is why we recommend this amendment. At some point, we have to stop adding on.

Thank you.

● (1925)

[*English*]

The Chair: Is there any debate?

(Amendment negatived [See *Minutes of Proceedings*])

The Chair: CPC-43 is identical to CPC-42, so it can't be moved.

Now we move on to CPC-44 in the name of Mr. Motz.

Mr. Glen Motz: This is a coordinating amendment to remove the references to registrar and issuing of a transfer number. In clause 13, we're looking at lines 10 to 14 on page 10 to be deleted completely.

(Amendment negatived [See *Minutes of Proceedings*])

The Chair: Shall clause 13 carry?

Are we recording or are we not recording this?

[*Translation*]

Mr. Pierre Paul-Hus: Yes, please.

[*English*]

The Chair: You've got to give me a hint.

(Clause 13 agreed to: yeas 6; nays 3 [See *Minutes of Proceedings*])

(Clause 14 agreed to [See *Minutes of Proceedings*])

(On clause 15)

The Chair: Now we're on clause 15, CPC-45, in the name of Mr. Motz.

Mr. Glen Motz: This has to do with the deadline for the new ATTs, the changes in the rules that come into effect to allow a reasonable adjustment, which will take place well after the next election.

If you look at Bill C-71 in clause 15, we're talking about replacing line 23 on page 10 with the following:

> prohibited firearm or a restricted firearm are revoked on the 3rd anniversary of the day on which this section comes into force, namely

Proposed section 135.1 revokes the ability to transport prohibited and restricted firearms and it makes that start as soon as the bill comes into force. This amendment would change the coming into force to allow a reasonable amount of adjustment time for the government to properly establish, fund, and operationalize their process for providing authorizations to transport.

Having spoken with some chief firearms officers and knowing that they are already underfunded and backlogged, I know that the ability to handle the expected influx of the requests as soon as the bill receives royal assent is somewhere between ridiculous and outrageous, depending on your expectations of the government.

I would therefore submit that should the government want to revoke the reasonable ATTs that exist today, they should take the time to ensure that the systems are in place first.

After making that statement, I would liken this to the Phoenix program, which the government was clearly told not to implement until it was ready, as well as the way we don't have a plan for the illegal border crossers. Perhaps we need to stop making the same mistakes over and over again, but I doubt that's going to happen. It seems to be a consistent practice that we're going to vote everything down that comes from a Conservative.

If I remember right, when Bill C-42came into effect, there was huge push-back from the RCMP and from officials from the firearms program, Mr. O'Reilly, about how it was not possible to get this act implemented and all the rules put in place and how you would need long-term timelines to make that happen.

I see with Bill C-71 that there's no indication of that, and yet we do know that there are backlogs for firearms officers, CFOs, and we know that there will be huge amounts of backlogs for them, and they are underfunded. I'm wondering what your take is on waiting, as the amendment says, until the third anniversary after this becomes law before the changes to the new ATTs take effect.

● (1930)

Mr. Randall Koops: There are, in Bill C-71, two very different sets of coming into force provisions. There are the provisions that will come into force on royal assent. However, clause 15 is not among them.

As drafted, clause 15 related to the issuance of ATTs would come into force on a day to be determined by the Governor in Council. The amendment would substitute that discretion of the Governor in Council with, I believe, a three-year mandatory coming into force period. The intent of coming into force by order of the Governor in Council is to allow, just as you suggested, Mr. Motz, that the Canadian firearms program and chief firearms officers have adequate time to make the necessary arrangements in their systems but also in their practices and to ensure that the transition is smooth and orderly.

Mr. Glen Motz: You're suggesting that with clause 15, under the latter provisions, there will be time to make that happen.

Mr. Randall Koops: Because it will not come into force until the Governor in Council deems that the scheme is ready to be brought into force, I don't think I could say today whether two years, three years, or four years is the right amount of time. I just wouldn't want to speculate about that.

Mr. Glen Motz: Thank you.

The Chair: Is there further debate?

(Amendment negatived)

The Chair: Do you want a recorded vote on clause 15?

Mr. Pierre Paul-Hus: Yes, please. You're reading my mind.

The Chair: I won't comment on what might be in there.

(Clause 15 agreed to: yeas 6; nays 3)

(On clause 16)

The Chair: That takes us to amendment CPC-46, again in the name of Mr. Paul-Hus.

[*Translation*]

Mr. Pierre Paul-Hus: Thank you, Mr. Chair.

Many Canadians are concerned that the RCMP have the last word on evaluation of firearms owned by law-abiding Canadians. Even your colleague Mr. Mike Bossio, my dear Liberal friends, has expressed this concern. I hope that won't cause too many problems.

We acknowledge that the RCMP has firearms expertise, but it should not necessarily have the last word on everything.

We have to have this kind of safety valve that allows for a kind of reevaluation. The RCMP must not be the only authority that decides to what category firearm belongs. This amendment proposes the establishment of a committee of firearms experts that would be responsible for reviewing the RCMP's decisions. This would be one way to respect honest citizens.

I want to point out for the record that the basis of our remarks and of all the proposals we have submitted to date is in no way ideological. From the outset, we have proposed very specific and very technical amendments with complete respect for citizens. The Liberals, moreover, have rejected several proposals that in no way compromised public safety.

Coming back to amendment CPC-46, we acknowledge the RCMP's effective work, but the fact remains that a committee responsible for reviewing the RCMP's decisions would serve as a safety valve.

● (1935)

[*English*]

The Chair: Is there any wish to debate?

(Amendment negatived [See *Minutes of Proceedings*])

The Chair: Shall clause 16 carry? Do you want a recorded vote?

[*Translation*]

Mr. Pierre Paul-Hus: Yes. That helps us get a word or two out of our friends on the other side.

[*English*]

The Chair: We will have a recorded vote on clause 16.

(Clause 16 agreed to: yeas, 6; nays 3)

(Clause 17 agreed to on division)

(On clause 18)

The Chair: On clause 18 we have amendment CPC-47 in the name of Mr. Paul-Hus *encore*.

[*Translation*]

Mr. Pierre Paul-Hus: Thank you, Mr. Chair. I know you're fed up, but it's almost over.

We have worked hard to improve Bill C-71. Unfortunately, we have not achieved the desired result. What can I say? Next year, we'll be able to take back control.

I could read you a passage from page 972 of O'Brien and Bosc, which states that it is important that members who sit on the committees have a good working relationship and get along with each other. Members are appointed to a committee on a permanent basis to improve their skills and abilities. My NDP friend, for example, has been sitting on the Standing Committee on Public Safety and National Security for a long time, and he knows his business. On our side, we are improving day by day, and it's a pleasure for me to work with you. The fact remains that it will be different next year.

For the moment, let's get back to amendment CPC-47. We are asking that subsection 117.15(3) of the Criminal Code, which provides that a firearm may be prescribed to be a non-restricted firearm despite the definitions of the terms "prohibited firearm" and "restricted firearm," be retained. However, we maintain that subsection 117.15(4) of the Criminal Code, according to which a firearm may be prescribed to be a restricted firearm, should be repealed.

What I have said will change nothing, but it's nevertheless a pleasure for me to speak. My impression is that we, on our side, are the only ones who are warm.

Do you have anything to add?

[*English*]

The Chair: For those of us who live in hope.

Mr. Glen Motz: For once, I have nothing to say, Mr. Chair.

The Chair: The Lord moves in wonderful ways.

(Amendment negatived [See *Minutes of Proceedings*])

The Chair: Are we going to have a recorded vote on clause 18?

[*Translation*]

Mr. Pierre Paul-Hus: Is the new section 18.1 included in section 18? If it's separate, we'll have to have two separate votes.

In that case, I would like to have a recorded vote.

[*English*]

Mr. Glen Motz: Are CPC-47.1 and CPC-47.2 not on the same clause?

The Chair: No. CPC-47.1 applies to new clause 18.1. We aren't there yet, because we haven't voted on clause 18.

(Clause 18 agreed to: yeas 6; nays 3 [See *Minutes of Proceedings*])

The Chair: That brings us to new clause 18.1, and I'm going to make a ruling which will disappoint Mr. Calkins in the extreme.

● (1940)

Mr. Blaine Calkins: [*Inaudible—Editor*] disappointment for me, Mr. Chair.

The Chair: Well, give me a chance.

The ruling is that this is inadmissible because it infringes on the prerogatives of the crown. It would create a new firearms classification board to which remunerated members would be appointed. Again, *House of Commons Procedure and Practice*, page 767, states:

> Since an amendment may not infringe upon the financial initiative of the Crown, it is inadmissible if it imposes a charge on the public treasury, or if it extends the objects or purposes or relaxes the conditions and qualifications specified in the royal recommendation.

It is therefore the opinion of the chair that the amendments, and this will apply to both CPC-47.1 and CPC-47.2, would impose a new charge on the public treasury. Therefore, I rule that they are inadmissible.

(On clause 19)

The Chair: Moving now to clause 19, CPC-48.

[*Translation*]

Are you tired, Mr. Paul-Hus?

Mr. Pierre Paul-Hus: No, I'm fine. We can continue.

This amendment isn't complicated. It simply concerns the terminology used in the title, "Regulations Prescribing Certain Firearms and Other Weapons, Components and Parts of Weapons, Accessories, Cartridge Magazines, Ammunition and Projectiles as Prohibited, Restricted or Non-Restricted." Bill C-71 proposes to replace the last part with "or Restricted." The purpose of this amendment is to replace this title with "Regulations Prescribing the Legal Status of Certain Firearms and Other Weapons, Components, Accessories, Ammunition and Projectiles."

[*English*]

The Chair: Is there debate?

(Amendment negatived)

The Chair: Shall clause 19 carry, as recorded by our able clerk?

(Clause 19 agreed to: yeas 6; nays 3)

(Clauses 20 and 21 agreed to on division)

(On clause 22)

The Chair: We have clause 22, CPC-49, in the name of Mr. Motz.

Mr. Glen Motz: I am pleased to be able to speak to this, because I was anticipating you'd use one of your chair rulings again to rule it out of order, which I would have to challenge the chair on. However, I'm glad you did not do that.

You'll see that this particular amendment speaks directly to the coming into force section. We're talking about deleting all of the first 15 lines of page 12. In my opinion, the bill is poorly thought out, designed, and planned. To make matters worse, it doesn't deal with the issues that have been presented already, and that is the gang and gun problem that we have in this country. That is a big issue. Let's not compound the issue by attempting to bring this bill into force in a manner that is unreasonable or poorly executed, in my opinion.

The Chair: Is there debate?

(Amendment negatived [See *Minutes of Proceedings*])

The Chair: We are on CPC-49.1, also known as 9905820.

● (1945)

[*Translation*]

Once again, this amendment is in Mr. Paul-Hus's name.

Mr. Pierre Paul-Hus: Have we reached amendment CPC-49.1?

The Chair: Yes.

Mr. Pierre Paul-Hus: This amendment reads as follows: "Sections 3 to 21 come into force on a day to be fixed by order of the Governor in Council." Unless I am mistaken, this is consistent with what has already been discussed.

[*English*]

The Chair: Is there any debate?

(Amendment negatived)

The Chair: On CPC-50, Mr. Motz.

Mr. Glen Motz: Thank you, Chair.

This particular amendment, again, speaks to the coming into force and requires all aspects of the bill to come into force through regulation that is directed by cabinet. We're proposing that Bill C-71, in clause 22, be amended by replacing lines 1 to 15 on page 12 with the following:

> 22 This Act comes into force on a day to be fixed by order of the Governor in Council.

It would be much more reasonable to have that the coming into force of this bill be directed by cabinet so that the coming into force is better thought-out than the proposed bill, and I'll leave it at that.

The Chair: Is there debate?

(Amendment negatived)

The Chair: On CPC-51, Mr. Paul-Hus.

[*Translation*]

Mr. Pierre Paul-Hus: The purpose of amendment CPC-51 is to prevent subsection 13(1) from coming into force. It gives the Governor in Council authority for "regulating, for the purpose of issuing a reference number...the provision of information by a transferor, a transferee and the Registrar."

I have nothing to add, Mr. Chair.

[*English*]

The Chair: Is there debate?

(Amendment negatived [See *Minutes of Proceedings*])

The Chair: CPC-52 was identical, so CPC-51 defeated CPC-52. Thank you.

We are on CPC-53.

Mr. Motz.

Mr. Glen Motz: Again, this is coordinating, similar to CPC-43. It removes reference to subclause 13(3), which is creating regulations related to farm transfers. All we're saying is that we're amending line 12 on page 12 with the following:

> (5) Sections 7 and 14

(Amendment negatived)

The Chair: CPC-54 is inadmissible. I am sorry to disappoint Mr. Paul-Hus.

The amendment makes the coming into force, certain provisions, conditional to the parliamentary tabling of reports containing specific information. *House of Commons Procedure and Practice*, pages 773 to 774, says, "An amendment intended to alter the coming into force clause of a bill, making it conditional, is out of order since it exceeds the scope of the bill and attempts to introduce a new question into it."

Now we are on clause 22. I don't believe there are any amendments.

Mr. Paul-Hus will want a recorded vote.

[*Translation*]

Mr. Pierre Paul-Hus: Of course.

[*English*]

The Chair: Okay.

(Clause 22 agreed to: yeas 6; nays 3)

The Chair: May I group clauses 23 through to 30 for the purposes of the vote?

Some hon. members: On division.

(Clauses 23 to 30 inclusive agreed to on division)

The Chair: Shall the title carry?

Some hon. members: Agreed.

An hon. member: On division.

The Chair: Shall the bill as amended carry?

Some hon. members: Agreed.

The Chair: Shall the chair report the bill as amended to the House?

Some hon. members: Agreed.

An hon. member: On division.

The Chair: Shall the committee order a reprint of the bill as amended for the use of the House at report stage?

Some hon. members: Agreed.

The Chair: Thank you, colleagues.

Ms. Damoff.

● (1950)

Ms. Pam Damoff: Chair, I just want to give a notice of motion for our next meeting. Could I read it in?

The Chair: Sure.

Ms. Pam Damoff: It reads:

> After having studied Bill C-71, An Act to amend certain Acts and Regulations in relation to firearms, the Committee wishes to make the following recommendations to the Government:
>
> (a) That as part of the regulatory process, the Government of Canada review the reference process for Possession and Acquisition Licenses to determine both who can be used for a reference, and also to ensure that references are actually checked;

(b) that the Minister of Public Safety work with his provincial and territorial counterparts to implement "duty to warn", which would require medical professionals to advise provincial authorities about persons who have diagnosed conditions that are likely to put the lives of other people in danger;

(c) that the Minister of Public Safety work with his provincial and territorial counterparts—

[*Translation*]

Mr. Pierre Paul-Hus: Just a minute, Ms. Damoff.

Mr. Chair, the interpreter does not have the text of the motion, and she says she can't translate what Ms. Damoff is reading because she's speaking too quickly. I understood nothing.

[*English*]

Ms. Pam Damoff: I'm so sorry.

[*Translation*]

Mr. Pierre Paul-Hus: It's not a problem. Since the interpreter doesn't have the text, she can't follow.

Ms. Pam Damoff: I'm tired and I want—

Mr. Pierre Paul-Hus: You just have to read your motion more slowly so our friends the interpreters, who are in the cabin, can do their job.

[*English*]

The Chair: I want to close out one thing before you go to that motion, and I should have remembered it.

Our colleagues over here wanted some information on the Canada-Israel Free Trade Agreement. Is that right?

Mr. Blaine Calkins: I have the information, Mr. Chair.

The Chair: Good.

Ms. Damoff.

Ms. Pam Damoff: Do you want me to start at the beginning? I'm wondering if Pierre got any of what I said.

The Chair: Did you get that from the beginning?

[*Translation*]

Mr. Pierre Paul-Hus: I heard a short bit, then the interpreter said she didn't have the text. So we're missing the rest.

Please start over.

[*English*]

Ms. Pam Damoff: My motion reads:

After having studied Bill C-71, An Act to amend certain Acts and Regulations in relation to firearms, the Committee wishes to make the following recommendations to the Government:

(a) That as part of the regulatory process, the Government of Canada review the reference process for Possession and Acquisition Licenses to determine both who can be used—

Mr. Pierre Paul-Hus: The mike was not open, but keep going, Pam, it's okay.

Ms. Pam Damoff: for a reference, and also to ensure that references are actually checked;

(b) that the Minister of Public Safety work with his provincial and territorial counterparts to implement "duty to warn", which would require medical professionals to advise provincial authorities about persons who have diagnosed conditions that are likely to put the lives of other people in danger;

(c) that the Minister of Public Safety work with his provincial and territorial counterparts to ensure prompt and accurate date transfer of court records of new criminal charges or convictions to the Canadian Police Information Centre (CPIC) and Canadian Firearms Information System; and

(d) that at the suggestion of the Canadian Association of Emergency Physicians and other stakeholders, the Government of Canada examine the effectiveness and appropriateness of current individual firearms storage regulations as well as after-hours commercial storage regulations.

● (1955)

The Chair: The motion is in order. We obviously didn't get 48 hours' notice, which is the usual expectation.

We don't have to debate the merits of it tonight, but I see three people who want to speak.

Mr. Paul-Hus.

[*Translation*]

Mr. Pierre Paul-Hus: Thank you, Mr. Chair.

For the committee's benefit, and given my role as vice-chair, I want to point out that there really has not been enough consultation on Bill C-71. Furthermore, as I have already said, the bill does nothing to oppose criminals; it attacks honest citizens.

The most important point, and I want this to be clear, is that indigenous people consider Bill C-71 unconstitutional as far as it concerns them. If indigenous people do not have to comply with the requirements of this bill, that will constitute a form of segregation from other Canadian citizens, who will be required to comply. I simply wanted to underscore that fact.

Thank you.

[*English*]

The Chair: Thank you.

Ms. Dabrusin.

Ms. Julie Dabrusin: I was also just going to be reading the text of a motion to be debated next week.

The Chair: Okay.

Ms. Julie Dabrusin: My motion, and the interpreter has the wording, is:

That the Committee report the following to the House in relation to its study of Bill C-71:

After having studied Bill C-71, An Act to amend certain Acts and Regulations in relation to firearms, the Committee wishes to make the following recommendations to the Government:

a) That the Government of Canada expand research into firearm-related injury and death, including research on the correlation between firearms and suicide and intimate partner violence;

b) That, as raised by the Toronto police and other stakeholders, the Government study mechanisms to identify large and unusual firearms transactions, especially those involving restricted and prohibited guns, to better identify illicit straw purchasing schemes, gang activity, or trafficking operations; and

c) That, at the suggestion of PolySeSouvient, the Government of Canada examine whether it is reasonable for commercial firearms manufacturers to promote the sales of their wares, namely restricted and prohibited weapons, in a manner that particularly glorifies violence and simulates warfare.

The Chair: Thank you.

Mr. Motz.

Mr. Glen Motz: I have to respectfully suggest that both of these motions seem to me that we now have suggestions to the government by this committee that we do what we should have done in this committee, and that's to take a stand on some of these issues.

Now we're trying to cover our ass, the proverbial CYA. I'd like to add to the record the very limited amount of time we had to review this very serious legislation and to listen to witnesses. There's a multitude more; we did not hear from witnesses who wanted to testify before committee.

Their briefs that were submitted to committee weren't even considered as part of putting this bill together.

The Canadian Federation of Nurses Unions' recommendations were not considered.

A brief submitted by Benjamin Copithorne was not given consideration, nor were his recommendations.

A gentleman by the name of David DeCosse was not considered. A Dr. Barbara Kane was not considered. A gentleman by the name of Mike Duynhoven was not considered.

The Chair: I think Mr. Dubé has a point of order.

Mr. Matthew Dubé: Are these notices of motion or are we debating these motions now?

The Chair: All these were notices so there's no debate, but Mr. Motz is on a separate point altogether from what I can see, having nothing to do with either Ms. Damoff's or Ms. Dabrusin's notice of their notices of motion.

● (2000)

Mr. Glen Motz: This is a notice of motion that these individuals be added to the record—

The Chair: Are you making a separate notice of motion?

Mr. Glen Motz: Sure.

If I may continue, number six is the national office of the Canadian Federation of University Women, which submitted a brief but was not included.

The Canadian Resource Centre for Victims of Crime was not included. Priscilla de Villiers, the executive director of the Victim Justice Network, was not included. The National Association of Women and the Law was not considered. Sunnybrook Health Sciences Centre was not considered.

Dr. Mark Sinyor was not considered. Terry Warner from Ontario was not considered. The name of Bill Skinner, on behalf of the Arnprior Fish and Game Conservation Club, was submitted and was not considered. Mr. John Melnick was not considered. James Veltkamp was not considered.

Michel Parent of B.C. was not considered. Evan Koziel was not considered. Justin Law was not considered. Colette Prevost, for the Toronto YMCA, was not considered. There were numerous other ones.

I think it's important that Canadians appreciate that they all took the time to make their recommendations and their submissions to this committee. They were thwarted from being heard because of the self-imposed arbitrary timelines to rush this bill through Parliament.

Thank you.

The Chair: You're making a statement, from what I can see. I thought you said you were making a motion. Are you making a motion? Or are you making a statement?

Mr. Blaine Calkins: I didn't hear one.

The Chair: I didn't hear a motion either.

Mr. Calkins.

Mr. Blaine Calkins: Mr. Chair, this just confirms what everybody in Canada who has been paying attention to this debate has known all along: that this is the fire, ready, and aim approach that the government has taken when it comes to firearms.

I find it regrettable that the motions for which we have just been given notice in front of this committee weren't given on day two of the standing up of this committee after the last election. I shudder to think of what Bill C-71 actually might have looked like had this committee had the opportunity to pursue these two notices of motion and had thoroughly studied and brought back some recommendations to the government for a bill that might effectively have reduced crime and actually improved public safety.

It seems a bit rich to me that with less than a year to go in the parliamentary calendar, this committee is going to be embarking on this. It sounds to me like the Government of Canada and this committee are pursuing a Liberal platform for the next election campaign rather than actually pursuing good legislation on behalf of Canadians.

This committee has also been tasked with a motion that was just passed unanimously in the House of Commons dealing with rural crime, and my guess is that will get short shrift when it's compared to these notices of motion, which I'm sure will be passed next week by the majority of members on this committee.

The Chair: I know you'll all be disappointed that I'm not calling an extra meeting on Monday, but on behalf of the committee, I do want to thank all of our witnesses for their endurance of our questioning, sometimes persistent and sometimes otherwise.

We do owe you a vote of thanks for your persistence.

With respect to the issue raised by Mr. Calkins, my initial plan on Tuesday was to call one of the two motions that are before us, either that of Mrs. Stubbs or that of Mr. Rayes, and at least get those things started. I'd also like to be able to deal with the aboriginal report. It has been rewritten and is ready for consideration. That's my vague plan for Tuesday.

With that, we're adjourned.

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